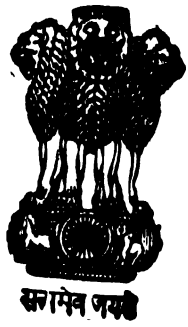

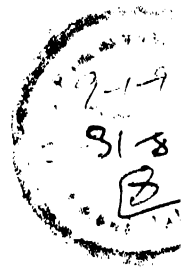

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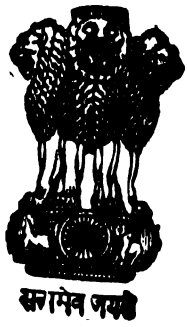

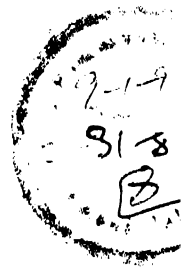

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THE

PARLIAMENTARY DEBATES

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OFFICIAL REPORT

PARLIAMENT OF INDIA

Saturday, 12th May, 1951

The House met at Half-past Eight of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS.

WOMEN JURORS AND ASSESSORS

***4073. Shrimati Jayashri:** (a) Will the Minister of **Home Affairs** be pleased to state whether women are eligible to serve as jurors and assessors?

(b) Which are the Part 'C' States where women are not allowed to serve as jurors and assessors?

(c) What action do Government propose to take to bring about uniformity in various Part 'C' States regarding this matter?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (c). The public service to be rendered by a juror or assessor is looked upon and treated in law as a liability, not a privilege. Accordingly, under Sections 313 and 319 of the Criminal Procedure Code, no one can apply or claim to be included in the list of jurors and assessors. Lists are prepared of persons who are liable to serve if called upon. Certain persons are exempted from that liability. Under Section 319 of the Code of Criminal Procedure, all male persons between the ages of 21 and 60 are liable to be summoned to serve as jurors or assessors at trials in Sessions Courts within the District in which they reside. So far as the trials before the High Court Sessions are concerned, the High Courts are empowered under Section 313 to make their own rules subject to which lists of persons liable to be summoned are prepared. There is no exemption for women in the case of the High Court Lists. In the Sessions Courts of the Districts governed by Sections 319 and 320, women are exempted. They enjoy this exemption along with Members of the legislatures and salaried Judges and others who by reason of their occupation would be inconvenienced if made liable to be summoned to the Sessions Court to serve as jurors or assessors. At present, the Code of Criminal Procedure has been extended to apply to all Part 'C' States and there is, therefore, complete uniformity in respect of the law on this point.

Shrimati Jayashri: Are women eligible to serve as jurors and assessors in Bombay and Madras?

Shri Rajagopalachari: In the High Court Original Sessions, women are not treated separately from men in the making of lists. In Madras and Bombay, I understand sometimes women are being summoned.

Shri Sidhva: May I know why in Courts other than High Courts women are not considered for serving as jurors?

Mr. Speaker: I think it is a matter for study. If the hon. Member studies the raison d'etre of the Criminal Procedure Code, the matter will be clear.

Shri Sidhva: May I know whether they will try to amend...

Mr. Speaker: No further question is necessary. The question is restricted only to women.

Sardar B. S. Man: Is it a fact that women jurors and assessors all over the world, particularly in many States in India have proved to be emotional and sentimental and hence irrational in their judgements?

Mr. Speaker: Order, order. Next question.

PREVENTION OF FLOODS IN ASSAM

***4074. Dr. Ram Subhag Singh:** (a) Will the Minister of **Natural Resources and Scientific Research** be pleased to

state whether any amount of money has been sanctioned by the Government of India for undertaking measures for prevention of floods in upper Assam?

(b) If so, what amount of money has been sanctioned?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) No, Sir. The Government of Assam have applied for some grants, and the matter is at present under correspondence with them.

(b) Does not arise.

Dr. Ram Subhag Singh: May I know whether any measure will be taken either by the Government of Assam or the Government of India to prevent floods in Upper Assam?

Shri Sri Prakasa: If I had the ordering of the Government of India entirely in my hands, I would hand over all the money that Assam wants. As it is, I cannot do so.

Dr. Ram Subhag Singh: May I know whether this matter was at all discussed in the Cabinet?

Mr. Speaker: Order, order; he need not reply.

Shri B. R. Bhagat: May I know whether the Government of Assam has ever asked for money for embankment of the Brahmaputra at Dibrugarh in order to prevent flooding and erosion?

Shri Sri Prakasa: Yes; that is so. They wanted 40 lakhs for the protection of Dibrugarh. The reply we were compelled to give was just this: that we could not finance their scheme because that was in the nature of a permanent welfare work; and as such the State Government itself should undertake the task. What we have done is to ask them to revise their scheme and let us know what exactly they want. As regards certain other relief work we have promised to give half of the sum that they need as a grant and half as a loan.

Dr. Ram Subhag Singh: May I know whether the Government propose to take any steps to prevent the recrudescence of floods in upper Assam before the next monsoon?

Shri Sri Prakasa: I fear it is too tall an order. I know this place fairly well; I am nervous lest Dibrugarh be ruined before very long.

COAL AND OIL FOR ELECTRICITY

***4075. Shri P. Basi Reddi**: Will the Minister of **Natural Resources and Scientific Research** be pleased to state the approximate quantities of coal and oil consumed annually for generating electric power in the country?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): Approximate quantities of coal and oil consumed annually by the Public Utility Electric Power stations in India are as follows:

Coal—2,184,000 tons approximately.

Oil—67,000 tons approximately.

Shri P. Basi Reddi: What are the quantities of power generated by water, coal and oil respectively?

Shri Sri Prakasa: The anticipated additional generating capacity in the three years 1951 to 1953, for which I have figures, is roughly as follows:

1951—136,600 KW. steam and 65,500 KW. hydro.
1952—129,000 KW. steam and 110,000 KW. hydro.
1953—180,000 KW. steam and 174,300 KW. hydro.

Shri P. Basi Reddi: What is the potential water power in the country and what percentage of it has been developed?

Shri Sri Prakasa: I could not give the figures that the hon. Member wants.

Shri Hussain Imam: Has the consumption of the Bokaro Thermal station been taken into account in giving the coal consumption?

Shri Sri Prakasa: That is still something that will come in the future, and we expect that the coal consumption will go up when all our schemes are ready. While with the development of hydro power, a certain amount of coal consumption will go down on the one hand; on the other, however, because of our having so many schemes in hand, the coal consumption is likely to go up, when these are implemented.

Mr. Speaker: Next question.

Shri S. C. Samanta *rose*—

Mr. Speaker: Mr. Samanta's Starred Question No. 4076 has been transferred to the 18th.

EXTERNAL SERVICE OF A.I.R.

***4077. Pandit Munishwar Datt Upadhyay**: (a) Will the Minister of **Information and Broadcasting** be pleased to state how many hours per week the All India Radio devotes to external service and in what languages?

(b) What is the annual expenditure incurred on external service?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) All India Radio broadcasts to listeners overseas for 141 hours and 30 minutes

per week in English, Hindi, Tamil, Gujrati, Burmese, Cantonese, Kuoyu, Indonesian, Arabic, Persian, Afghan and Pushto.

(b) The estimated expenditure on external services for the year 1950-51 is Rs. 12,55,700.

Pandit Munishwar Datt Upadhyay: May I know for what countries these broadcasts are intended, mainly?

Shri Diwakar: The languages indicate that. Hindi, Tamil, Gujrati are however for Indians in South Africa, South-East Africa, Ceylon, Fiji, Mauritius, West Indies and South-East Asia.

Pandit Munishwar Datt Upadhyay: Is there any idea as to what are the countries that are taking interest in our broadcasts?

Shri Diwakar: Every one of the countries to which we are broadcasting are taking interest.

Pandit Munishwar Datt Upadhyay: May I know whether this department is helping in the external publicity and if it is helping in what manner?

Shri Diwakar: By broadcasting. The coordination between internal publicity and external publicity is kept up by consulting each other and these external programmes are planned by a coordination committee.

श्री द्विवेदी : क्या माननीय मंत्री यह बतलाने की कृपा करेंगे कि फ्रेंच और रशन भाषा में जो ब्राडकास्ट किये जाते थे वह क्यों बन्द कर दिये गये ?

[**Shri Dwivedi:** Will the hon. Minister please state why broadcasts in the French and Russian languages have been stopped?]

Mr. Speaker: I think this very question was put last week or the week before that.

श्री द्विवेदी : क्या सरकार उन को निकट भविष्य में फिर शुरु करने का विचार कर रही है ?

[**Shri Dwivedi:** Are the Government contemplating to reintroduce those broadcasts in the near future?]

Mr. Speaker: I think we should proceed to the next question.

Shri R. Velayudhan: May I know whether there was any request for the inclusion of Malayalam in external publicity by the Malayalis who are in Ceylon, Malaya, Burma and other places in South East Asia?

Shri Diwakar: Just now we are not considering it.

Shri A. C. Guha: From what Radio Stations are these broadcasts made?

Shri Diwakar: Mostly from Delhi.

Shri A. C. Guha: Not from any other station?

Shri Diwakar: I would like to have notice.

Shri B. R. Bhagat: May I know whether Chinese is also included in the list of languages?

Shri Diwakar: It is included.

Shri Hussain Imam: May I know if there are any broadcasts in Urdu and Hindustani?

Shri Diwakar: Urdu, of course.

Mr. Speaker: Next question.

SOMNATH TEMPLE

*4078. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Education be pleased to state what is the amount spent so far on the reconstruction of Somnath Temple?

(b) How much of this amount was contributed by public and how much by Government?

منسٹر آف ایجوکیشن (مولانا آزاد):- (اے) اور (بی) گورنمنٹ آف انڈیا نے سومناتھ مندر کے دوبارہ بنانے کے خرچ میں کوئی حصہ نہیں لیا ہے اس لئے یہ سوال پیدا نہیں ہوتا -

[**The Minister of Education (Maulana Azad):** (a) and (b). The Government of India have incurred no expenditure on the reconstruction of the Somnath Temple.]

पंडित मुनीश्वर दत्त उपाध्याय : यह जो मन्दिर है वह सब के लिये खुला हुआ है या किसी पर प्रतिबन्ध है ?

[**Pandit Munishwar Datt Upadhyay:** Is that temple open to all or is the entry of certain section of public prohibited?]

مولانا آزاد - اس کے لئے جو ٹرسٹ بنا ہے اور اس کا انتظام کر رہا ہے اس کا جواب وہی دے سکتا ہے -

[**Maulana Azad**: All management of that temple is in the hands of a Trust. It is that Trust which is competent to answer this question.]

Shri Sidhva: On a point of information, Sir, can a Member put a question on a purely private affair in which the Government has no concern?

Mr. Speaker: Probably, the hon. Member presumed that the Government must have done it as a matter of historical importance. After the reply, there is no scope for supplementary questions.

सरदार बी० एस० मान : क्या किसी स्टेट गवर्नमैंन्ट ने भी इस में हिस्सा लिया है ?

[**Sardar B. S. Man**: Has any State Government contributed towards its construction?]

Mr. Speaker: That is a different matter.

Government Labour Force in Andamans

***4079. Shri Krishnanand Rai**: (a) Will the Minister of **Home Affairs** be pleased to state what is the strength (numerical) of Government labour force in the Andamans at present?

(b) What are the specific works for which it is maintained there at present?

(c) What is the annual expenditure on this labour force?

(d) What are its special achievements in the Andamans during the years 1948—1950?

The Minister of Home Affairs (Shri Rajagopalachari): (a) 590.

(b) (i) Stevedoring of ships,

(ii) jungle clearance, and

(iii) construction work for Government Departments.

(c) Rs. 4,61,500 gross in 1950.

(d) (i) Construction of 6 residential quarters,

(ii) construction of 3 labour barracks, and

(iii) clearance of 350 acres of jungle and construction of 3 Transit Camps for rehabilitation of refugees.

Shri Krishnanand Rai: May I know whether this labour is mainly recruited from the mainland of India or from the local islands?

Shri Rajagopalachari: The labour is recruited both from the mainland and from the local people.

Shri Krishnanand Rai: What are the pay, allowances or amenities that are given to the members of this force?

Shri Rajagopalachari: I can give the totals. The pay of establishment—both temporary and permanent—comes to round about Rs. 72,000; allowances, dearness allowance, travelling allowance etc. to about Rs. 28,000. Other charges, including wages to labourers come to Rs. 4 lakhs. We recover about Rs. 1½ lakhs and so the nett expenditure will be Rs. 3,70,000.

Shri Krishnanand Rai: May I know whether a representation has been made by some Indian Andamans Association to the effect that this labour force is being misused?

Shri Rajagopalachari: No such complaint has reached me, as far as I can tell at once; and I do not think it would be justified even if it came.

Dr. Deshmukh: Among this labour force, are there any persons who went there as refugees?

Shri Rajagopalachari: Yes; there are refugees settled down there and there is a scheme for that, and that is why we had three camps built, as I have already said.

Dr. Deshmukh: What I wanted to know is whether there are any refugees included in the number of the labour mentioned by the hon. Minister?

Shri Rajagopalachari: There are labour officers, sub-divisional officers, mistries, carpenters, tractor drivers, clerks, munshis and so on. It is difficult for me to analyse them according to their places of origin.

Babu Ramnarayan Singh: May I know whether there are any restrictions now in freely going to and coming from the Andamans?

Shri Rajagopalachari: There is no restriction, except the difficulty of communications.

Shri Dwivedi: I want to know what is the expenditure incurred by the Government in rehabilitating the refugees in the Andamans and whether any of the refugees returned back to India after taking money from the Government?

Mr. Speaker: That may possibly be within the knowledge of the Rehabilitation Ministry.

Shri Rajagopalachari: Does the hon. Member say that refugees who went there came away and money has been spent in that way?

Mr. Speaker: The idea is that they took something by way of loan and then came back without settling there.

Shri Rajagopalachari: It may be so. But I am not aware of the exact details. Some of the refugees who went there, however, were not happy and they came back. Such things are bound to happen.

Shri A. C. Guha: May I know whether Government have made any attempts to recruit refugees for this labour force?

Shri Rajagopalachari: Refugees going there is only a recent affair. This labour force has been there for a good long time. If refugees are available to serve in certain capacities, I am sure their services will be utilised.

PRESS LAWS REFORMS ENQUIRY COMMITTEE

*4080. **Shri S. N. Das:** Will the Minister of **Home Affairs** be pleased to state:

(a) which of the recommendations of the Indian Press Laws Reforms Enquiry Committee have been accepted by Government;

(b) which of the recommendations have been totally rejected; and

(c) whether those recommendations which have been accepted have been given effect to?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). I lay on the Table of the House a statement showing the various recommendations of the Press Laws Enquiry Committee and the conclusions reached thereon by the Ministry of Home Affairs in consultation with the State Governments and the other Ministries in the Government of India and which were accepted by the Standing Advisory Committee attached to the Ministry at its meeting held on the 17th March, 1951. [*See* Appendix XXV, annexure No. 9.] Minutes of the meeting together with copy of this statement were circulated to all hon. Members on the 28th March.

(c) Most of the recommendations involve legislation which will be undertaken soon.

Shri S. N. Das: May I know when this Committee was constituted and when it submitted its report?

Mr. Speaker: What is the value of that question? It has already submitted the report and the report has been considered and the recommendations are being accepted.

Shri S. N. Das: Regarding item No. 10 of the Statement, may I know whether in view of the importance of the part played by newspapers, Government have under consideration the necessity or desirability of conducting an enquiry into the working of newspapers, regarding their management and control?

Shri Rajagopalachari: The reference is to Monopolies and Cartels and action for instituting an enquiry before the position becomes dangerous. This was not considered practicable by Government. It was also not considered practicable by the Advisory Committee. But any further action will not be barred by this attitude.

COMPULSORY RETIREMENT OF OFFICERS ON SHORT SERVICE COMMISSIONS

*4081. **Dr. Ram Subhag Singh:** (a) Will the Minister of **Defence** be pleased to state whether age-limit has been fixed for the compulsory retirement of officers on Short Service Commissions or temporary engagements in all the three services?

(b) If so, what is that age-limit?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) Yes.

(b) A statement is placed on the Table of the House. [*See* Appendix XXV, annexure No. 10.]

Dr. Ram Subhag Singh: May I know whether the age-limits for compulsory retirement of officers on Short Service Commissions or temporary engagements are the same as those for regular officers?

Major-General Himatsinhji: Yes, Sir. It should be remembered that most of the emergency or temporary Commissioned Officers hold only the substantive rank of Major and below and the statement placed on the Table of the House deals only with substantive ranks.

Dr. Ram Subhag Singh: May I know whether the age-limit is strictly adhered to and if not, in how many cases have officers been allowed to continue in service after passing this age-limit?

Major-General Himatsinhji: This is generally adhered to; but in any good Government sometimes exceptions are made.

Dr. Deshmukh: What is this age-limit and how many officers have been compulsorily retired in this way?

Major-General Himatsinhji: I have not got the figures here with me, Sir. If the hon. Member will put another question I will give him the detailed information.

Dr. Deshmukh: I want to know the age-limit also.

Major-General Himatsinhji: They are as follows:

Army—

Major and below—45 years extendable to 47 years.
Lt.-Col.—48 years,
Colonel—50 years,
Brigadier—52 years,
Maj.-General—54 years,
Lt.-General—56 years,
General—58 years.

Navy—

Lt.-Comdr. and below—43 years,
Commander—50 years.

Air Force—(Pilot Branch and Ground Branch)—

Sq/Ldr. and below—43 years, and 49 years.
Wing Commander—47 years and 52 years.
Group Captain—50 years and 55 years.
Air Commodore—52 years and 55 years.
Air Vice Marshal—55 years.

INDUSTRIAL HOME FOR THE BLIND, DELHI

*4082. **Dr. Ram Subhag Singh**: (a) Will the Minister of **Education** be pleased to state the number of trainees in the Industrial Home for the Blind near Delhi?

(b) What is the duration of courses of that institute?

(c) When was that institution founded?

(d) Do Government give any financial assistance to that institute?

منسٹر آف ایجوکیشن (مولانا آزاد)- (اے) اگر آنریبل ممبر کا مطلب بدرپور کے اس انڈسٹرئیل ہوم سے ہے جو اندھوں کے لئے بنایا گیا ہے - تو اس میں اس وقت آرتھیس اُدمیوں کو تعلیم دی جا رہی ہے -

(بی) چھ برس -

(سی) فروری سنہ ۱۹۴۵ -

(ڈی) سنہ ۱۹۵۰-۵۱ میں چیف کمشنر دلہی نے اسے ایک ایڈ ہاک گرانٹ پندرہ ہزار روپیہ کی دی ہے -

[**The Minister of Education (Maulana Azad)**: (a) If the hon. Member is referring to the Industrial Home for the Blind, Badarpur, the number of trainees is 38.

(b) Six years.

(c) The Home was started in February, 1945.

(d) The Chief Commissioner, Delhi gave an *ad hoc* grant of Rs. 15,000 to the Home in 1950-51.]

डा० राम सुभग सिंह : देश में इस तरह की कितनी और संस्थायें हैं जिन में अन्धे बच्चों को, उद्योग धन्धों की शिक्षा दी जाती है ।

[**Dr. Ram Subhag Singh**: What is the number of similar institutions in the country wherein blind children are trained in various industries and handicrafts.]

مولانا آزاد - اجمیر میں ایک اسکول تھا جسے لوکل گورنمنٹ نے لے لیا ہے اور گورنمنٹ چاہتی ہے اس کو ترقی دے - اس برس کے بجٹ میں پچھتر ہزار روپیہ اس کے لئے رکھا گیا ہے - ایک اسکول تیرادون میں ہے- مختلف اسٹیٹوں میں جو اسکول چلائے جا رہے ہیں ان کی تعداد میں ابھی نہیں بتلا سکتا -

[**Maulana Azad**: There was a school in Ajmer which has now been taken over by the local Government and the Government want to develop that school. A provision of Rs. 75,000 has been made in this year's Budget.

There is another school at Dehra Dun. I am unable to state the number of similar institutions that are being run in the various States.]

डा० राम सुभाग सिंह: जो विद्यार्थी इस में पढ़ते हैं उन के रहने तथा शिक्षा देने के लिए कोई फीस ली जाती है या नहीं ?

[**Dr. Ram Subhag Singh:** Is some fee charged from the students admitted into such institutions in respect of training and board and lodging?]

مولانا آزاد - چونکہ اس کو ایک پرائیویٹ سوسائٹی چلا رہی ہے اس لئے میں یہہ تمام تفصیلات نہیں بتلا سکتا لیکن میں سمجھتا ہوں فیس نہیں لی جاتی ہوگی -

[**Maulana Azad:** As the institution in question is being run by a private society, I am unable to state all these details. I, however, think that no fee is being charged.]

पंडित मुनीश्वर दत्तउपाध्याय : कौन सी इंडस्ट्रीज़ हैं कि जिन में ट्रेनिंग दी जा रही है ।

[**Pandit Munishwar Datt Upadhyay:** In what industries training is being given?]

مولانا آزاد - بدرپور کے اسکول میں پہلے لکھنا پڑھنا بریل سسٹم سے سکھایا جاتا ہے - جہاں تک دستکاریوں کا تعلق ہے بید کا کام - باسکیٹ میکنگ- کپڑے کا بننا - نواڑ کا بننا - سکھایا جاتا ہے -

[**Maulana Azad:** In the institution at Badarpur, the children are first taught reading and writing through the Braille system. As for the industries, they are trained in cane work, basket making, weaving of cloth and Niwar making.]

श्रीमती दुर्गाबाई : दिल्ली के नज़दीक तुगलकाबाद में जो अन्धों की संस्था है उस को क्या गवर्नमेंट द्वारा कुछ मदद मिलती है, और क्या उन्हों ने मदद के लिए एप्लाई किया है ।

[**Shrimati Durgabai:** Do the Government give some aid to the institute for the blind at Tughlakabad near Delhi? Have they applied for the same?]

مولانا آزاد - جہاں تک مجھے معلوم ہے تغلق آباد میں کوئی اسکول نہیں ہے -

[**Maulana Azad:** So far as I am aware, there is no such school at Tughlakabad.]

Shri Sondhi: That is the same.

श्रीमती दुर्गाबाई : तुगलकाबाद में एक अन्धों की संस्था है ।

[**Shrimati Durgabai:** There is an institute for the blind at Tughlakabad.]

مولانا آزاد - میں اس وقت اس کا جواب نہیں دے سکتا -

[**Maulana Azad:** I am not in a position to answer this question just now.]

Shri Deshbandhu Gupta: She is referring to the same institution. May I know how many such other privately run institutions are in Delhi which are receiving aid from Government?

مولانا آزاد - میں اس وقت نہیں کہہ سکتا کہ اور کتنے پرائویٹ اسکول دلی میں چل رہے ہیں - لیکن جیسا کہ میں نے ابھی کہا گورنمنٹ نے اجمیر کا اسکول لے لیا ہے اور اسے ترقی دینا چاہتی ہے ۷۵ ہزار روپیہ اس برس کے بجٹ میں اس کے لئے رکھا گیا ہے -

[**Maulana Azad:** Just now I am unable to state how many more private schools are being run in Delhi. But, as I have just stated, the Government have taken over the institute at Ajmer and want to develop it for which a provision of Rs. 75,000 has been made in the current Budget.]

EBONITE BLOCKS

*4083. **Shri Amolakh Chand:** (a) Will the Minister of **Information and Broadcasting** be pleased to state whether the Government of India are supplying ebonite blocks to various English newspapers?

(b) If not, do Government propose to supply them with such blocks?

(c) Is it a fact that Journalists' Associations have repeatedly demanded the supply of such blocks?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) It has not been possible to supply ebonite blocks to newspapers owing to lack of funds.

(b) The question is under consideration.

(c) No formal demands have been received from Journalists' Associations, but informal requests have been made by various Indian language newspapers for the supply of such blocks.

Shri Amolakh Chand: May I know whether the Government of India were supplying blocks to the press during the World War II?

Shri Diwakar: My information is that it did supply.

Shri Amolakh Chand: What is the estimated cost of these blocks if they are made and supplied to the papers?

Shri Diwakar: The estimated cost would be something like Rs. 74,300 per annum and non-recurring cost would be Rs. 71,000.

Shri Amolakh Chand: Is the Government aware that various Continental Embassies in India are supplying ebonite blocks free to various newspapers in India and that they are being used by language papers?

Shri Diwakar: If they are supplied, they are always supplied free and newspapers must be using them.

SPECIAL AIRCRAFT

*4084. **Shri Sidhva:** (a) Will the Minister of **Defence** be pleased to refer to the answer given to my Starred Question No. 3340 asked on the 21st April, 1951 regarding aeroplanes for use of Ministers and state what is the cost per hour when the aircraft is on flight?

(b) How many officials, with their designations travelled by these special aircrafts during the years 1950 and 1951, up-to-date and the reasons which necessitated them to make use of these aircrafts?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) It is not clear what the hon. Member means by "the cost per hour when the aircraft is on flight." The extra cost of flying, that is cost of fuel etc., works out to about Rs. 300 per hour for a Dakota and Rs. 110 for a Devon. The all inclusive cost, taking into account depreciation, pay and allowances of the crew etc. and overhead charges, works out roughly to about Rs. 1,000 per hour for a Dakota and Rs. 770 per hour for a Devon.

(b) A statement is laid on the Table of the House.

STATEMENT

List of officials who travelled by the special aircraft of the V.I.P. flight during the period 1st January, 1950 to 31st March, 1951.

Designation of officials flown	*Number of occasions*
Chief of Army staff and C-in-C., Army.	49
Chief of Naval Staff & C-in-C., Navy	42
Chief of Air Staff & C-in-C., Air force	89
Deputy Chief of Air Staff	9
Defence Secretary	6
States Secretary	2

Note:—(1) In most of the cases the officials were accompanied by other officers who had to travel at the same time.

(2) All the journeys were in connection with Government duty.

Shri Sidhva: The hon. Minister has stated that the operation cost of these special aircrafts used by the officials comes to Rs. 20 lakhs and the statement gives the number of occasions these were used *viz.*, 197. May I know why the ordinary scheduled air service was not used by these officers and why these special planes were utilised?

Major-General Himatsinhji: The hon. Member is under a misapprehension that these aircrafts are kept only for Armed Forces officials, Ministers and V.I.Ps. This squadron is known as the Communication and Transport Squadron for the use of the Indian Air Force and the training of officers. These aircrafts exist primarily to provide flying training to officers of the Air Force working in the Air Headquarters and other non-flying units near Delhi. They are also used to meet special emergency requirements, as

they did during the food difficulties in Assam. Therefore it would be necessary to maintain such a unit in this area even if a few of these air crafts were not used by the V.I.Ps. The question of relative costs etc. is therefore not relevant.

Shri Sidhva: My question was different. My question was on 197 occasions when the Military officers used this special aircraft, why did they not use the ordinary scheduled air-service so as to minimize the expenditure which comes to about Rs. 6,000 per hour flight. He gave the figure of 20 lakhs of rupees. I don't know what will be its break-up.

Mr. Speaker: Rs. 20 lakhs for 197 flights?

Shri Sidhva: Yes.

Major-General Himatsinhji: This Communication Squadron is firstly and primarily for the benefit of the Indian Air Force and training of their crew. Very often these officers—the three Commanders-in-Chief and some Ministers are accompanied by staff and other officers on duty, and I would like to point out that these aircrafts, even if they did not carry any officials, would be flying without them for carrying out the normal training during the year which is required, as it is necessary that each aircraft should fly so many hours during the year, with or without passengers. Therefore, on the whole, there is no extra cost, by carrying the V.I.Ps.

Shri Sidhva: What is the cost on 197 occasions?

Mr. Speaker: There is no use pursuing this question. A Squadron has to be maintained. This perhaps saves some money by taking these officers.

KONAR DAM SITE

*4085. **Shri Jnani Ram:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) the number of families that will be displaced at Konar dam site (Damodar Valley Corporation);

(b) the area of cultivable land to be submerged and occupied;

(c) the houses built and lands reclaimed for rehabilitation; and

(d) the places where the families would be rehabilitated?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) 128 families.

(b) 2117.7 acres.

(c) The construction of houses and the reclamation of waste lands have not yet started.

(d) The Banaso-Gurmurgi area in the Hazaribagh District has been tentatively selected for the rehabilitation of the dispossessed families.

Shri Jnani Ram: May I know if Banaso area has been acquired uptill now?

Shri Sri Prakasa: The area has not yet been acquired but proceedings under the Land Acquisition Act are in progress.

Shri Jnani Ram: May I know when the dam is expected to be completed and the land to be submerged under water?

Shri Sri Prakasa: We expect the land to be submerged about June, 1953.

Dr. Ram Subhag Singh: May I know what is the estimate of cost per acre of the reclamation of waste land?

Shri Sri Prakasa: I have no separate figures under that head in my hands here.

Shri B. K. Das: What would be the area of the land to be reclaimed?

Shri Sri Prakasa: Information about the exact area is not with me, but it is going to be fairly large because a large number of blocks names of which I have got here, are involved.

Ch. Ranbir Singh: May I know what compensation do Government propose to give for the residential buildings of the area to be acquired?

Shri Sri Prakasa: The idea is to give house for house and land for land. We really prepare the lands and houses for those persons who get displaced. I have myself seen the work that is being carried on at Bachai for those who are being dispossessed from the Tilaya area. The work is good; and if the same thing is done here, as I hope it will be, then we should be satisfied.

DIRECTORATE OF CANTONMENTS, DELHI

*4086. **Shri Sidhva:** (a) Will the Minister of **Defence** be pleased to state the number and designation of officers employed in the Directorate of Cantonments in Delhi and also in other places/circles?

(b) Do Government intend to retrench officers in view of the contemplated integration of some Cantonments into civil areas?

The Deputy Minister of Defence (Major-General Himatsinhji): (a)

Designation and Number—

Director, Military Lands and Cantonments—1.

Dy. Directors, M. L. and C.—3.
Asstt. Director, M. L. and C.—1.
Deputy Asstt. Directors, M. L. and C.—3.

Military Estates Officers—10.
Cantt. Executive Officers—53.

(b) No.

Shri Sidhva: May I know whether the number of the officers were the same before the war or whether after the work of land-lease and hiring has been stopped any retrenchment has been made in their number?

Major-General Himatsinhji: Recently a Committee for retrenchment in the Defence Department was set up and they have found that they could not retrench any more. On the other hand, I believe there may be a demand for an increase in the number of officers.

Shri Sidhva: What was the number before the war?

Major-General Himatsinhji: I would like the hon. Member to put a separate question.

Shri Sidhva: What was the reason why the Committee felt that they could not make any retrenchment but on the other hand they required more officers?

Major-General Himatsinhji: The demand for the establishment of more Cantonments such as Jammu, Badami Bagh and Dehu.

Shri Sidhva: Is it not a fact that land-lease and hiring which was done during the war have now been completely stopped? If so, what work are these officers doing?

Major-General Himatsinhji: They are doing the other normal work in Cantonments. The land-lease and hiring work has of course been reduced.

Shri Sidhva: May I know whether the Cantonments Committee has recommended the transfer of these Cantonments on to civil areas? If so, does the necessity for these officers still remain?

Major-General Himatsinhji: The Committee has no right to recommend that, because it is not one of the terms of reference. The question was not before them. All that they had been asked to advise is whether there was any surplus area of Cantonments which can be transferred to the neighbouring civil administration.

Shri Sidhva: I know that was the recommendation.

RE-INSTATEMENT OF DISCHARGED ARMY PERSONNEL

***4087. Shri Sidhva:** (a) Will the Minister of **Defence** be pleased to state whether the I.N.A. Advisory Committee have made any representation regarding re-instatement of the discharged army personnel?

(b) If so, what decision has been taken in the matter?

(c) Were these proposals considered in the Standing Committee of Parliament for the Ministry of Defence at its meeting held on the 14th April, 1951?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) and (b). I would invite the attention of the hon. Member to the reply given by the Defence Minister to Starred Question No. 4000 on the 9th May, 1951.

(c) No.

Shri Sidhva: I understood from the reply that there were 6,000 officers of the I.N.A. May I know how many have been reinstated in service?

Major-General Himatsinhji: I am afraid the hon. Member's estimate of 6,000 officers is very much out. If there had been 6,000 officers there would have been an army of something near a million.

Shri Sidhva: What is the number?

Major-General Himatsinhji: Very few I require notice for the exact number.

Shri Sidhva: Of the retrenched officers have any been reinstated during the last two years?

Major-General Himatsinhji: About ten officers have been reinstated during the last two years.

Shri Sidhva: Is there any scheme for reinstating them?

Major-General Himatsinhji: Yes, this is under the active consideration of the Government, specially after the meeting of the I.N.A. Advisory Committee with the hon. Prime Minister the other day.

Shri Kamath: Has the question of the payment of arrears of their pay and allowances from 1942 to 1946 been considered by Government?

Major-General Himatsinnji: Yes. Sir: it is being considered and some steps have been taken.

Shri Kamath: What are the steps?

Major-General Himatsinhji: Certain payments have already been made.

Shri Kamath: How much?

Major-General Himatsinhji: The restoration of pay, allowances and release benefits which had been forfeited were estimated to cost Rs. 115 lakhs approximately. In addition, the financial liability for pension was estimated at about Rs. 26 lakhs to meet arrears and Rs. 6 lakhs for recurring annual expenditure. Against this total cost of 141 lakhs initial and Rs. 6 lakhs per annum recurring, a sum of Rs. 31 lakhs was spent on equitable distribution of financial assistance to ex-I.N.A. personnel.

Shri Kamath: To how many officers and men does this sum relate?

Major-General Himatsinhji: I have not got the figures with me.

U. P. S. C.

*4089. **Shri Rudrappa:** Will the Minister of **Home Affairs** be pleased to state how many members of the Union Public Service Commission were in service at the time of their appointment as members of the Commission and how many of them are retired Government servants?

The Minister of Home Affairs (Shri Rajagopalachari): The required information is as follows:

(1) The Chairman is an officer of the Indian Civil Service and had about 29 years' service at the time of his appointment as Chairman

(2) One Member is a retired High Court Judge.

(3) One Member had been serving for some months on a Provincial Public Service Commission having previously retired from the Provincial Civil Service.

(4) One Member was serving as Vice-Chancellor of a University having previously retired from the Indian Educational Service.

(5) One Member was chosen from among retired officers of the Indian Service of Engineers: and was Chief Engineer of a Province before retirement.

(6) One member is an officer of the Indian Civil Service with 29 years' total service including 18 years experience on the judicial side.

(7) One Member was neither in Government service nor a retired Government servant. He was Dean of the Faculty of Arts in a University and was Chairman, Inter-University Board.

Shri Rudrappa: How many of them were non-officials at the time of their appointment?

Shri Rajagopalachari: I have given the full description of each. If those who had retired from service at the time of appointment were to be treated as non-officials the hon. Member can have the pleasure of finding their number easily.

Shri Rudrappa: Which of the Provinces did they belong to at the time they were appointed?

Shri Rajagopalachari: An analysis of these seven gentlemen can be made according to Province or in any other way, if I gave their names But the hon. Speaker has disallowed, I think, questions about Provinces, names or qualifications.

Shri Rudrappa: I want to know whether any of them belong to Part B or C States?

Shri Rajagopalachari: Next time the Commission is appointed we shall keep this in mind.

Several Hon. Members *rose*—

Mr. Speaker: It is no use putting further questions. Let us go to the next question.

Shri A. C. Guha: Sir, might I suggest that Starred Questions Nos. 4090 and 4098 be taken together as they relate to the same subject?

The Minister of Finance (Shri C. D. Deshmukh): I have no objection, Sir.

Industrial Finance Corporation

*4090. **Shri Sanjivayya:** Will the Minister of **Finance** be pleased to state:

(a) the total advances sanctioned by the Industrial Finance Corporation during the months of January, February and March, 1951; and

(b) the bonds issued by the Corporation during the same period?

The Minister of Finance (Shri C. D. Deshmukh): (a) An advance of Rs. 7,50,000 was sanctioned by the Corporation during the period from January to March, 1951.

(b) No bonds were issued by the Corporation during this period

INDUSTRIAL FINANCE CORPORATION

*4098. **Shri A. C. Guha:** Will the Minister of **Finance** be pleased to state:

(a) the paid-up capital of the Industrial Finance Corporation;

(b) whether there has been any transfer of shares of the Corporation;

(c) if so, of what value and whether there has been any decrease in the number of share-holders due to such transfer;

(d) whether the Corporation has been able to pay the guaranteed dividend and interest since its creation; and

(e) if not, how much Government had to pay every year?

The Minister of Finance (Shri C. D. Deshmukh): (a) The paid-up capital of the Corporation is Rs. 5 crores.

(b) Yes.

(c) The value of shares transferred up to the 1st May, 1951 is Rs. 3,75,000.

The number of shareholders has decreased by one.

(d) and (e). The Corporation has not yet been able to pay fully out of its own resources the guaranteed dividend of 2½ per cent. per annum on its paid-up capital. The Government gave a subvention of Rs. 10,89,492/2/4 in the first year ended the 30th June, 1949 and of Rs. 8,68,561/14/7 in the second year ended the 30th June, 1950 to enable the Corporation to pay the guaranteed dividend.

Shri Sanjivayya: What are the industries in respect of which these advances have been sanctioned by the Corporation?

Shri C. D. Deshmukh: It was a spinning and weaving mill.

Shri Sanjivayya: Have Government received any complaint with regard to the inordinate delay in the disposal of these applications?

Shri C. D. Deshmukh: These applications or applications generally?

Shri Sanjivayya: Generally.

Shri C. D. Deshmukh: The delay in dealing with applications generally has been dealt with in previous questions and answers. It is also referred to in the last annual report. I have nothing more to add to that. So far as these particular applications are concerned I have received no complaints so far.

Shri Sanjivayya: Has any industry started in the Madras State received aid from the Corporation?

Shri C. D. Deshmukh: The particular concern to which advance has been granted during this period is in Madras.

Shri A. C. Guha: May I know the total amount of bonds issued by this Corporation?

Shri C. D. Deshmukh: Rs. 5,30,00,000.

Shri A. C. Guha: The stipulated dividend is 2½ per cent. May I know up to what per cent. was available from the Corporation's income?

Shri C. D. Deshmukh: That is in reference to the second question?

Mr. Speaker: Yes.

Shri C. D. Deshmukh: The Corporation made a profit of Rs. 85,507 and some annas in the first year and Rs. 3,06,438 and some annas in the second year. After transferring to the reserve fund an amount of Rs. 50,000 in each of the two years, the amount available for distribution as dividend was Rs. 35,507 and some annas in the first year and Rs. 2,56,438 and some annas in the second year. This involved an shortfall of Rs. 10,89,492 in the first year and Rs. 8,68,561 in the second year which was made up by Government.

Shri A. C. Guha: May I know at what rate this money is being advanced to different parties and the rate at which the bonds were issued?

Shri C. D. Deshmukh: As regards the rate at which money is advanced to the parties, the information is available in the annual report. As regards the rate on the bonds it is 3½ per cent.

Dr. Deshmukh: May I know what steps or remedies are contemplated in order to remedy the situation that has arisen out of such heavy subventions to the Corporation?

Shri C. D. Deshmukh: I don't think that it is a particularly serious situation. The Corporation cannot be expected to earn sufficient profits in the early years of its working to be able to pay the guaranteed dividend and it is our expectation that the subvention will go on decreasing as the total amount of advances availed of by the borrowers from the Corporation increases. So, at the appropriate time I have no doubt this question will be considered.

Shri Hussain Imam: May I know whether any indication is given in the report of whether any of the directors of the Corporation are directly or indirectly interested in the companies to which advances have been made?

Shri C. D. Deshmukh: The hon. Member can find that from a reference to the report.

Shri Hussain Imam: There is nothing in the report to indicate this. That is the rule in the case of banking institutions, of which as an ex-Governor of a Bank he must be aware.

Shri C. D. Deshmukh: I am sorry I thought the question was whether any indication was given in the report of any interest and for that I said the reference best be made to the report.

Mr. Speaker: He wants to know the fact.

Shri C. D. Deshmukh: Then I must have notice.

Shri M. A. Ayyangar: Has the scope of operation of the Corporation been extended to the Mysore State and, if so, during the past year how much loan has been advanced in that State?

Shri C. D. Deshmukh: I know the operations of the Corporation have been extended to Part B States, but I have got no information here as to whether any loan has been advanced to any concern in Mysore.

Shri Syamnandan Sahaya: Are heavy arrears of interest accruing from parties to whom the loans have been advanced by this Corporation?

Shri C. D. Deshmukh: I must ask for notice of that question.

Shri A. C. Guha: Is there any restriction about the transfer of shares?

Shri C. D. Deshmukh: Speaking offhand, the restrictions are that the shares must be transferred to the category to which the original share belonged, that is to say a banking company's share will go to a bank or investment company, an insurance company's share will go to an insurance company.

Shri A. C. Guha: Is any previous permission of the Government necessary for such transfer?

Shri C. D. Deshmukh: The provisions of the Act regulate those transactions.

AUDIT OF INDIA'S FOREIGN MISSIONS

*4091. **Shri Sanjivayya:** Will the Minister of **Finance** be pleased to state:

(a) the number and names of India's foreign Missions in Europe which had audit inspections by the Audit Office in U.K. under the control of the Comptroller and Auditor-General during the year 1950-51; and

(b) whether Government propose to lay the audit report on the Table of the House?

The Minister of Finance (Shri C. D. Deshmukh): (a) The Accounts of the Indian Embassy at Brussels and Paris for the year 1948-49 were audited locally by the Auditor Indian Accounts in the United Kingdom during 1949-50. The accounts of the Indian Embassy at Berne were locally audited during the year 1950-51 by an officer of the Indian Audit and Accounts Department while on a visit to Europe. The Auditor of Indian Accounts in the United Kingdom has, however, been given instructions to undertake the local audit of the Accounts for 1949-50 of India's Foreign Missions in Europe during 1951-52.

(b) No.

Shri Sanjivayya: Have these audit inspections disclosed any irregularities in the maintenance of accounts by our Missions abroad and, if so, what steps have Government taken so far to see that such irregularities do not occur in future?

Shri C. D. Deshmukh: Well, Sir, action is taken to remedy these and the points mentioned in the audit report by the administrative authorities concerned and if the Comptroller and Auditor-General is satisfied with the action then the matter is allowed to drop. It is open to him, however, in important cases to bring to the notice of Parliament, through the Appropriation Accounts and audit reports thereon, any matters which he thinks ought to be included there to be examined by the Public Accounts Committee on behalf of Parliament.

Shri Sidhva: May I know whether the report of the Auditor-General who recently visited European countries to audit our accounts will be made available to Members or be placed on the Table?

Shri C. D. Deshmukh: It is not correct to say that the Comptroller and Auditor-General visited Europe to audit accounts. He went on a general visit of inspection and supervision. So far as the second part of the question is concerned, it is not usual to lay on the Table of Parliament individual audit reports of the Comptroller and Auditor-General for the reason which I mentioned some time ago, namely that action is taken by the administrative authorities concerned and for the rest it is always open to the Comptroller and Auditor-General to bring the matter to Parliament through his report to the Public Accounts Committee.

Shri M. A. Ayyangar: Will the hon. Minister make the audit report available to Members? In answer to part (b) of the question he said that it is not usual to place the audit report on the Table of the House. I agree. But if particular hon. Members want to go through the audit report, will the hon. Minister make it available to them?

Shri C. D. Deshmukh: No, Sir.

Shri M. A. Ayyangar: Why, Sir?

Mr. Speaker: It will be obviously premature.

Shri M. A. Ayyangar: No, no. As far as the report for 1950-51 is concerned it is all right to do so. But what I am submiting is that any audit report relating to the U. K. or any particular portion of that report ought to be made available to Members who desire to see it.

Shri C. D. Deshmukh: As I understand it the matter is regulated by the provisions which I have just mentioned and therefore the final responsibility of what matter should be brought to the notice of Members of Parliament rests in the Comptroller and Auditor-General and I regard that as sufficient provision and as provision intended by the law.

Shri M. A. Ayyangar: May I know if there are any particular rules for the Auditor-General to withhold such reports or mark out certain portions as confidential, and not to make them available to Members of Parliament?

Shri C. D. Deshmukh: I am sorry, Sir, I cannot add anything more to my legal understanding of the matter. I said that the scheme of the law seems to be that there is a particular prescribed method by which the Comptroller and Auditor-General brings matters to the attention of Parliament.

Mr. Speaker: I think it is no use pursuing this point. What I see from the answers of the hon. Finance Minister is that the scheme of audit vests the Comptroller and Auditor-General with discretion to see, as to what are serious irregularities which he must bring to the notice of Parliament. All such cases come before Parliament through the Public Accounts Committee. In all other matters of irregularities, which are of a minor character which can be set right by the administration, they are dealt with by the administration. Therefore, reports dealing with such matters are not placed before Parliament.

Several Hon. Members *rose*—

Mr. Speaker: If there is such an uproar, I must go to the next question.

Shri M. A. Ayyangar: It is open to the Auditor-General to withhold some information. His report on certain matters of minor importance need not be placed before the House. My question was if certain Members of the House want to look into a portion of the audit report which in the opinion of the Auditor-General is not very consequential or important, is it open to the House to get it or not? Will it be made available to any individual Member to go through that report?

Shri C. D. Deshmukh: I said 'No', on the ground that it is inconsequential.

Shri T. T. Krishnamachari: I would like to draw the attention of the hon. Minister to Article 151(1) of the Constitution which is very categorical.

Mr. Speaker: We are now entering into an argument; the matter may be pursued elsewhere.

Pandit Kunzru: May I put only one question—to find out whether, as a matter of fact, to the knowledge of the Finance Minister the Comptroller and Auditor-General has, after presenting a report to Government, edited it for presentation to Parliament?

Shri C. D. Deshmukh: I could not say—it is for the Comptroller and Auditor-General. To my knowledge, I do not know whether he has edited it or not.

Pandit Kunzru: What I want to know is whether the Comptroller and Auditor-General after presenting an audit report to Government, has edited it, that is, deleted some portions or qualified his statements in some respects, or added something to it, for presentation to Parliament?

Shri C. D. Deshmukh: Unless I see that I would not be in a position to say whether there is any difference between the audit report presented to Government and the one submitted to parliament. In any case, I should not be surprised if there is any difference because it is assumed that he would bring to the notice of Parliament only such matters as he thinks he ought to bring to their notice.

Mr. Speaker: There has been enough of discussion. The matter is important, but it may be pursued elsewhere—not during question-hour.

Wall Panels

***4092. Shri B. K. Pani:** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that scientific experiments in regard to cement,

sand and froth for producing wall panels from the Government Prefabricated Housing Factory are not yet complete;

(b) if so, when it is likely to be completed and the production of wall panels will be started;

(c) the total number of T Beams and roofing slabs so far manufactured, if any; and

(d) whether it is a fact that the cost of roofing products of this factory will be costlier than Agra stone in other areas than Delhi?

The Minister of Communications (Shri Kidwai): (a) Yes.

(b) The experiments are nearing completion. A decision regarding the future programme of the factory will be taken on receipt of the report of the Technical Committee recently set up. In submitting their report the Committee will *inter alia* take into account the results of the experiments carried out in the factory.

(c) 718 T Beams; roofing slabs have been manufactured only on an experimental basis.

(d) Does not arise as roofing slabs have been made only on an experimental basis.

Shri B. K. Pani: Is it a fact, Sir, that some of the manufactured articles, like T beam and roofing materials, were offered to the Delhi Municipal Committee?

Shri Kidwai: I do not think so.

Shri Kamath: How many wall panels were produced in this factory since it went into production? How many of them were found cracked and unusable, as a result of which how many tons of cement were wasted?

Mr. Speaker: The hon. Member may put one question.

Shri Kamath: How many wall panels were produced since the factory went into production?

Shri Kidwai: The question was about T Beams and roofing slabs. So I have not got particulars of the other materials.

Shri Kamath: What, Sir, is the personnel of the Technical Committee and what are its terms of reference?

Shri Kidwai: The personnel of the Committee is:

Dr. S. S. Bhatnagar—*Chairman.*

Shri S. Moolgaokar.
Shri A. N. Khosla.
Shri B. S. Puri, I.S.E.
Shri H. P. Sinha, I.S.E. } *Members.*
Shri B. R. Kagal.
Shri D. D. Murdeshwar.

Shri S. V. Aiyer—*Secretary.*

The terms of reference to the Committee are:

To inspect the factory and its plant and equipment and to advise Government regarding the utilisation of the factory in the best manner possible from the economic and technical points of view.

Shri Kamath: What, Sir, are the designation and qualifications of each of these members?

Mr. Speaker: Order, order.

Shri Sidhva: May I know how the cost of the panels and beams manufactured in this factory compare with the cost of the traditional panels and beams manufactured locally?

Shri Kidwai: The T Beams are being produced to meet orders from the C.P.W.D. and the roofing slabs to meet the orders of the Punjab Government.

Shri Sidhva: But how does the cost compare with the indigenous product?

Shri Kidwai: I have not got the comparative costs here.

Dr. Deshmukh: May I know if any material prepared in the factory is being used for the Members' lodgings that are being constructed at the present moment?

Mr. Speaker: Order, order.

Shri Kamath: By what date, Sir, will this Committee report?

Shri Kidwai: Let us hope we will receive an early report.

Labour at Hirakud Dam

*4093. **Shri B. K. Pani**: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) the total number of labourers working in Hirakud Dam Construction Works;

(b) the average earning of a daily labourer per day;

(c) the amenities given to the casual labourers working there;

(d) the total number of deaths and other casualties of labourers due to accidents which occurred in blasting works, during the year 1950 and during 1951 till the end of March 1951; and

(e) the total amount paid as compensation to the persons referred to in part (d) above?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) The total number of labourers working on the Hirakud Dam is (i) skilled 1392 and (ii) un-skilled 28,803, per day on an average.

(b) The average earning per day is:—

(i) Unskilled man worker Rs. 1/8/- per day.

(ii) Unskilled woman worker Rs. 1 per day.

(iii) Skilled workers from Rs. 3 to Rs. 6/8/- per day.

(c) Temporary hutting, health and sanitary arrangements, free medical aid and supply of rationed foodstuff at controlled rates.

(d) Deaths due to blasting during the year 1950—Nil.

During the year 1951 till the end of March, 1951—One.

(e) The question of payment of compensation is under consideration.

With your permission, Sir, I should like to add that I visited the site recently and I am not myself satisfied with the welfare work that is carried on there. I have taken up the matter with the Chairman of the Central Water and Power Commission as well as the Chief Engineer there. I am specially worried about the supply of good drinking water to hundreds of men and women who work throughout the burning day.

Shri B. K. Pani: Do Government propose to appoint any welfare official to look after these labourers?

Shri Sri Prakasa: That is exactly the matter I am taking up.

Shri R. Velayudhan: May I know, Sir, whether any fixed sum is allotted for labour welfare activities in that place?

Shri Sri Prakasa: I have already given the list of amenities that are being supplied and I am looking to the possibility of supplying more.

Shri Rndrappa: I want to know whether Government have made any comparison with regard to the wages paid to these labourers, as against labourers employed in other avocations?

Shri Sri Prakasa: Comparisons are always odious and I would like to meet every man's requirements as they arise.

Shri Jaipal Singh: In the figures given how many of the skilled and unskilled labourers are departmentally employed and how many are employed by contractors, and is there any disparity in their earnings?

Shri Sri Prakasa: I have not got the figures that my hon. friend wants under separate heads, but I do not think there is any disparity so far as the earnings themselves are concerned.

WRITTEN ANSWERS TO QUESTIONS

Food Testing Laboratories

***4088. Shri Kesava Rao:** Will the Minister of **Defence** be pleased to state how many food testing laboratories are functioning under the Ministry of Defence?

The Deputy Minister of Defence (Major-General Himatsinhji): Six.

Strike at Hirakud Dam Works

***4094. Shri B. K. Pani:** (a) Will the Minister of **Natural Resources and Scientific Research** be pleased to state whether it is a fact that the workers of the Hirakud Dam Construction Works are on strike for the last few days and if so, why?

(b) How has this strike affected the works in Hirakud and how many labourers are involved in it?

(c) Has the dispute of the labourers been referred to arbitration?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) No workers are on strike at the present moment. Some workers, however, went on strike on the 17th April in token of sympathy with an operator who had been suspended for disobedience and neglect of duty, but they resumed work on the 23rd April.

(b) The strike did not materially affect the work on the Project. The number of strikers was only 22 in the beginning but gradually increased to 300. This was a very small fraction of the workers employed on the Project.

(c) The dispute was settled on an assurance from the Project authorities that the grievances of the workers would be looked into. Reference to arbitration was not necessary.

UNIVERSITY EDUCATION COMMITTEE

*4095. **Shri Kesava Rao:** Will the Minister of **Education** be pleased to state whether any recommendations of the University Education Committee have been implemented?

The Minister of Education (Maulana Azad): Attention is invited to the reply given to Starred Question No. 986 asked by the hon. Member on the 18th December, 1950. Since then it has been decided to amend the Acts of incorporation of the Central Universities in accordance with the recommendations of the Commission. A Bill to amend the Banaras University Act has already been introduced in Parliament. A similar Bill in respect of the Aligarh Muslim University will soon be presented to Parliament. Parliament has already passed legislation to establish Visva Bharati as a Central University.

TEA EXPORT DUTY

*4096. **Maulvi Wajed Ali:** (a) Will the Minister of **Finance** be pleased to state the total quantity of tea produced (in lbs.) in different tea-growing States of India separately during the years 1948-49, 1949-50 and 1950-51?

(b) What quantity of this tea was used for internal consumption and what quantity was exported outside India?

(c) What is the tea Export Duty per lb.?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). Two statements are laid on the Table of the House. [*See* Appendix XXV, annexure No. 11.]

(c) Four annas per lb.

DURGAH KHWAJA SAHEB (AJMER) COMMITTEE OF ENQUIRY

*4097. **Maulvi Wajed Ali:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have finally considered the report of the Durgah Khwaja Saheb (Ajmer) Committee of Enquiry of 1949; and

(b) if not, whether Government propose to bring a Bill, on the recommendation of the said Committee of Enquiry, during the next Session of Parliament?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). Government have considered the report of this Committe and hope to place legislation before Parliament very soon.

HIGH COURT ARREARS COMMITTEE

*4099. **Shri P. Basi Reddi:** Will the Minister of **Home Affairs** be pleased to state:

(a) the recommendations of the High Court Arrears Committee that have been accepted by Government; and

(b) when Government propose to implement the accepted recommendations of the Committee?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). State Governments and High Courts were consulted on the recommendations of the Committee and the replies are now under examination.

DELIMITATION OF CONSTITUENCIES

*4100. **Shri Kamath:** Will the Minister of **Law** be pleased to state:

(a) whether all the Parliamentary Advisory Committees for Delimitation of Constituencies in the various States have formulated their proposals and forwarded them to the Election Commission; and

(b) when the President's order regarding the delimitation of Constituencies will be laid on the Table of the House during this Session?

The Minister of Law (Dr. Ambedkar): (a) Yes.

(b) I am unable to give any definite date but every effort is being made to finalise the Order at the earliest possible date, and it will be laid on the Table of the House immediately after it is made.

CONFERENCE ARRANGED BY MINISTRY OF DEFENCE

*4101. **Dr. Deshmukh:** (a) Will the Minister of **Defence** be pleased to state whether there has recently been a Conference arranged by the Ministry of Defence at Delhi at which Heads of the Departments of Education of all States were invited?

(b) How long was the Conference going on and what were the subjects on the agenda?

(c) Was the future strength of the National Cadet Corps considered and if so, with what result?

(d) Do Government propose to place a copy of the resolutions of the Conference on the Table of the House?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) Yes.

(b) The Conference was for one day only. Various matters, mainly

administrative, connected with the National Cadet Corps were discussed.

(c) Yes, there was a general exchange of views on the desirability and possibility of future expansion. In the light of the discussion, the State Governments have been asked to formulate and forward concrete proposals for the expansion they would like to be made in the strength of the Corps in their respective States.

(d) No resolutions were passed. The progress in each State was reviewed and decisions were taken on certain matters of day to day administration of the Corps.

N. C. C.

*4102. **Dr. Deshmukh:** (a) Will the Minister of Defence be pleased to state the total number of N.C.C. Officers trained so far?

(b) Have any of them been absorbed in the Indian Army and if so, how many?

(c) Are there any difficulties in absorbing a larger number and if so, what are they?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) 2491.

(b) N.C.C Officers are not absorbed in the Indian Army, but they are primarily trained to become officers in the National Cadet Corps, where they become the officers of units which have been raised in the Colleges or Schools to which they belong.

(c) Does not arise.

INCOME-TAX INVESTIGATION COMMISSION

293. Shri Sidhva: (a) Will the Minister of Finance be pleased to refer to the report on the working of the Income-tax Investigation Commission during 1950, page 7, para. (vi) and state how much money the assessee made at the cost of Government?

(b) What was the amount taxable and leviable from this assessee in the ordinary course?

(c) Do Government contemplate taking legal steps against him?

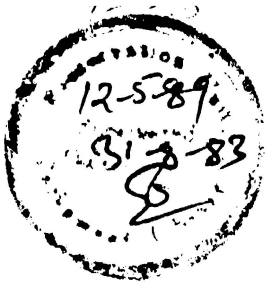
(d) If not, why not?

The Minister of Finance (Shri C. D. Deshmukh): (a) The total concealed income unearthed by the Income-tax Investigation Commission is Rs. 13,80,860 but it is not possible to state exactly how much thereof was earned by the assessee concerned at the cost of Government whom he pretended to serve. It must be at least Rs. 6,65,000.

(b) Rs. 9,37,493 was the income taxable in the ordinary course for the assessment years 1941-42 to 1947-48 if the further amount of Rs. 13,80,960 had not been detected. Information regarding the aggregate tax on the income originally assessed for these years has been called for from the Commissioner of Income-tax concerned. This information will be laid on the Table of the House as soon as received.

(c) Yes, under the penal provisions in the Income-tax Act and the Excess Profits Tax Act.

(d) Does not arise.



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

Third Session

of the

PARLIAMENT OF INDIA

1950-51

THE

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers.)

OFFICIAL REPORT

PARLIAMENT OF INDIA

Saturday, 12th May, 1951

The House met at Half Past Eight of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

9-31 A.M.

CONSTITUTION (FIRST AMENDMENT) BILL.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I beg to move for leave to introduce a Bill to amend the Constitution of India.

Shri Hussain Imam (Bihar): May we know the items which are sought to be amended? It is a very unusual thing. It is not an ordinary legislative matter.

Mr. Speaker: Let us not deal with it at this stage. Let it be introduced and then I shall make an announcement for the facility of Members.

The question is:

"That leave be granted to introduce a Bill to amend the Constitution of India."

The motion was adopted.

Shri Jawaharlal Nehru: I introduce the Bill.

Mr. Speaker: I have to inform hon. Members that copies of the Constitution (First Amendment) Bill, as introduced in Parliament just now have been placed in the Lobby and the Parliamentary Notice Office. Hon. Members may obtain a copy of the Bill on request. They are requested to preserve the copies of the Bill and to bring them for use in the Chamber when the Bill is taken up. In accordance with the usual practice copies will not be supplied again at the residences of those Members who may obtain them from the Lobby or the Parliamentary Notice Office.

Shri Sidhva (Madhya Pradesh): Will this apply to all Bills?

Mr. Speaker: No, no. In regard to this particular Bill, looking to the urgency of the Bill and with a view to making it available to Members as soon as possible after introduction, this arrangement has been made, and I have specially referred to the other part that copies will not be sent to those Members at their residences who obtain copies from here.

Shri J. R. Kapoor (Uttar Pradesh): Unless they have lost it.

REPRESENTATION OF THE PEOPLE (NO. 2) BILL—*Contd.*

Shri Syamnandan Sahaya (Bihar): I will associate myself with the views expressed by the previous speakers who congratulated the Law Minister for bringing forward this very important measure concerning the future elections in this country on which is dependent very largely the future of the country itself. In spite of the fact that a great deal of time has been spent over this Bill by the Law Department and later on by the Select Committee, it is of such a complicated nature that there still remain in the Bill many items which would deserve further consideration in this House.

I was listening the other day to the speech of my hon. friend Prof. K. T. Shah and I must say I felt that he had allowed idealism to run riot, if I may use the term, and in making the suggestions which he did I was surprised that an economist of his

[Shri Shyamnandan Sahaya]

standing should put forward propositions which, to say the least, were, even from the point of Finance, impracticable. While discussing the different provisions of the Bill great stress was laid by him on the provision in clause 7 with regard to the eligibility for membership or otherwise of persons concerned with the Government by way of contracts or in other ways. This is a matter which I submit deserves very cool and very careful consideration by the Members of this House. In fact the position, in my opinion, has been misconceived even by the Law Minister himself, as I understood from one of his remarks when he said that he would not allow this Parliament to be transformed into a stock exchange. I am very doubtful if the proposals he has made in this Bill will be able to prevent the electors from making their choice and I do not see the day very distant when the electors will have to make a choice of men experienced in business affairs to run the Legislature and also the administration. If I read the provisions of clause 7 on which I shall mostly dwell this morning, it will be found that the provision really is, if I may say so, very broad and might create difficulties which neither the framers of this Bill nor perhaps the Members of the Select Committee ever conceived. I refer particularly to sub-clause (d) where it is laid down:

> "if, whether by himself or by any person in trust for him or for his benefit or on his account,—
>
> (i) he has any share or interest in a contract for the supply of goods to, or for the execution of any works or the performance of any services undertaken by, the Government of India or the Government of any State; or
>
> (ii) he holds a licence, permit or authorisation of a like nature issued by the Government of India or the Government of any State under a law regulating the supply, movement or price of any goods for the purpose of trading in such goods."

These are to act as disqualifications for a person to be a member of the Legislature either of the Centre or of the Provinces. I have tried to find out as far as possible whether such a provision obtains in any other Constitution or Act in other parts of the world. I find that in the United States of America there is no such provision disqualifying holders of permits or licences or even contractors. In Switzerland there is no such provision disqualifying permit-holders or licence-holders or even contractors. In Belgium all that is found in the Act and in the Constitution is:

> "To be eligible to be a representative it is necessary to be a Belgian by birth or to have received full naturalisation, to enjoy civil and political rights, to have reached the age of twenty-five years and to be a resident of Belgium."

There is no other condition attached for eligibility to be a Member of the Legislature there. In Burma there are two conditions: Every citizen must have completed the age of 21 years; no law shall be enacted or continued placing any citizen under disability or incapacity for membership of Parliament on the ground of sex, race or religion. There is no such disqualification for holders of permits or licences.

Shri Sidhva (Madhya Pradesh): This relates to only one clause.

Shri Syamnandan Sahaya: Perhaps the feeling is that these extracts do not give the whole picture. I submit I have tried to find out the data from the papers available in our Library here and also from the Research Officer who is very helpful in these matters. I have tried to place every point whether for or against the provisions that have been made here but if there are any other provisions against it which I have not placed before the House and if hon. Members know that there are provisions other than what I am stating, they are at liberty to say so when they receive the attention of the House.

In Ceylon again there is no disqualification for holders of contracts. In France all French citizens enjoying civic and political rights are voters and all voters are qualified to become members of the National Assembly and the Council of the Republic. No separate qualifications are prescribed for membership of the National Assembly or the Council of the Republic. In Japan the qualification of members of both Houses and their electors is to be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income. Under the law prescribed, there is no such disqualification excluding holders of contracts, licenses and permits from membership of the legislature. In the U. K. persons who had any contract with Government are disqualified from

being elected or sitting in Parliament. The disqualification, however, does not apply to contracts by any incorporated company or to any company of more than ten members or to the directors or shareholders thereof. Even in the case of the U. K., as you will see, only persons who have a direct financial interest in a contract are said to be disqualified. In Canada also persons executing any contract with the Government of Canada are not eligible to stand as candidates for election. The disqualification, however, does not apply to incorporated companies or to directors or shareholders thereof. In Australia persons having pecuniary interest in any agreement with the Commonwealth are incapable of being chosen for sitting in Parliament. The disqualification, however, does not apply to incorporated companies consisting of more than 25 persons or to directors or shareholders thereof.

As it will be seen, in many constitutions of the world, there is no such restriction as we propose to place through this Bill which is under consideration. In the U. K., Canada and Australia although contractors in their individual capacity are debarred from standing as candidates, but if the contract is through an incorporated company or a company with more than ten to 25 members, then that disqualification does not apply even there. I submit that in view of the provisions elsewhere and also in view of the fact that after all the Houses of the Legislature in these countries have not been converted, if I may say so, into a stock exchange, I do not see why our hon. Law Minister thinks that if we do not lay down these disqualifications here, there is an apprehension of this House being turned into a stock exchange.

As to the matter of contracts by individuals even that does not find place in many Constitutions. I agree that such a restriction must be placed but if it includes the holders of permits and licences, the scope is so enlarged that a large number of people, whose services and whose knowledge could be useful to this House might be debarred from standing as a candidate or being elected. The other day when an hon. Member of this House was referring to this clause, it was pointed out that the disqualification in regard to permits and licences attaches only to people who take out these for the purpose of trading in such goods. Here again, there is a difficulty which in my opinion has not been properly visualized. For instance, take the case of a managing editor of a newspaper. He has in the first place to take out licences for many kinds of things including the paper. It sometimes happens that that paper may not be required or he may have it in excess and he may sell the extra paper. (*An Hon. Member*: He can surrender it to Government). He can surrender it to Government but there is nothing to prevent him from selling it at the proper price. (*An Hon. Member*: In the black-market.) All sales are not black-market sales. In any case there may be an occasion when he may have to sell the paper and in that case he will also come under this trading clause. (*Dr. Deshmukh*: Committing two offences). Clause 7(1) (d) reads as follows: "If, whether by himself or by any other person in trust for him or for his benefit or on his account..." Now there are distinguished authors who get royalty for their books. I think the hon. Law Minister may be receiving a great deal of royalty and other Members too...

The Minister of Law (Dr. Ambedkar): My printers have not been ruined, but I have not made any profit.

Shri Syamnandan Sahaya: That means that these printers and publishers secure permits and licenses. While they sell their goods and they trade in that the benefit might accrue to the author himself and he is debarred because the language is "anything done for his benefit". So he does become a beneficiary and I suppose no one is more aware than the Law Minister himself of the interpretations that are given and have been given to the language used in law, whatever may have been the original intention in using those words there. I submit that the language used is liable to the interpretation which I am placing and in that case we may have eminent people, not necessarily traders themselves, who may be debarred from being members of this House.

There is another difficulty with regard to these permits and licences. Controls are, in their very nature, almost changing everyday. What may be controlled today may be decontrolled tomorrow and what may not be controlled today may be controlled tomorrow. If this process goes on, it is possible that a member who has not been dealing in a controlled commodity may be elected to this House but after he has been elected, the commodity may be controlled. The anomaly is so obvious that I need not stress the point further. I hope the law Minister will appreciate the difficulty. Then again the question of controls and decontrols applies sometimes in cases

[Shri Syamnandan Sahaya]

where the permit or the licence is required to be taken just with a view to have the information for the Government as to the total quantity of goods imported or exported. Generally they are what is known as O.G.L. or open general licence. Even under O.G.L., in the normal course this would not have been necessary but for securing information as to how much of a particular type of goods is going out or coming into the country and even such permit holders or licence holders would suffer by being debarred from membership of the legislature.

Prof. Ranga (Madras): No benefit involved in it.

Shri Syamnandan Sahaya: There are certain types of investors, again, who would only invest money in a company if they have some kind of controlling voice by which they can know all about the finances of the corporation or concern. They have to be directors of that concern. If we pass the legislation that we are considering to day, the result will be that they will have to choose between investing money or becoming members of Parliament. I do not see what useful purpose will be served by placing that kind of restriction. Certainly, it would not be in the larger interests of the country, in my view.

With regard to permits and licences, I suppose all those who have anything to do with business or industry will have no difficulty in appreciating what I am saying at present that in almost every business now, you have to secure some kind of permits or licences to import goods, import raw materials for running the industry etc. If the general clause relating to permits and licences is to find a place in the Bill, as it obtains today, there will be hardly any person interested in any industry who will ever have any chance of being returned to Parliament. I do not think that was the view either of the framers of this Bill or even of the Members of the Select Committee. The purpose, in my opinion, is that we should not have people sitting in this House in judgment over themselves or trying to influence the Government in any way in matters with which they may be individually or personally concerned. I submit that the provisions in this Bill, as they are, go very much further than that and under the special conditions obtaining in this country in regard to controls and permits, the difficulty has been aggravated and I submit that in a law which is going to be a permanent feature of this country, it would not be desirable in my opinion to make this provision so wide. As regards individual contractors, I agree that people who have got direct contracts, or business relations with the Government, should not be members of this House; but, to lay down a condition that all permit holders or licence holders are not eligible, is going too far. I think the House will consider this matter and the Law Minister will see how we can amend the wording, so that the purpose which is in view may be met and there may not be unnecessary restrictions on people who might be useful to this House.

Shri Sidhva: What is your suggestion?

Shri Syamnandan Sahaya: The language will have to be changed and amendments will have to be made. I do not want to take the time of the House now; I shall do so at the proper time.

Perhaps, it may be known to the hon. Law Minister that co-operative societies are doing a good deal of distribution of controlled commodities and these Societies hold permits and licences. Under this provision, the directors of the co-operative societies will not be eligible to sit as members of this House. Surely, I feel that that could not have been the intention in formulating this proposal. Clause 7 (e) lays down:

> "if he is a director or managing agent of, or holds any office of profit under, any corporation in which the Government of India or the Government of any State has any share or interest;"

The policy of the Government of India is mixed economy, and the Government of India now wants to have a share or interest in a large number of concerns. They also want to start their own State concerns with which they would desire to associate men with business experience. These men are associated with those concerns for the wide knowledge they possess about business activities. I submit that it would not be fair either to lose their valuable experience in this House or in the State corporations. I submit that those men whom the Government want to associate with their business would be the right men who should come to this House and advise this House also on important matters concerning business activities. I submit that this clause (e) is also not in its proper place and ought to be, if the hon. Minister agrees, eliminated. Considering, as I have pointed out, the absence of such provisions in the laws

of other democratic countries, considering also the present conditions when permits and licences are to be issued for running almost every business, and considering that even the transport services are being run by the Government, the result of this provision would be that a very large number of people doing an honest job will be deprived of an opportunity of becoming members of this House.

There are just one or two other matters more which I would like to place for the consideration of the House and for your consideration. One of them is the suggestion which was made by the hon. Law Minister himself in his speech about the validity of nomination papers to be decided before the actual election takes place. That is a very important matter and although the hon. Law Minister said that he has not been able to find out a way to meet the situation, I submit that it is not impossible to do so. The question as to whether a nomination paper has been rejected rightly or not—by whatever agency it has to be decided whether by a tribunal or an election commission—must be decided before the Election. The elections now will be different from the elections in the past. A large number of people will be interested. The number of voters is very large. To go through the process of election and then to find at the end of the election that the nomination paper was not rightly rejected and to have the whole process of election again, I think, will not be the proper thing. Even though the time lag between the date of the scrutiny of the nomination papers and the final date of the election may have to be extended by a few days, it will be proper to do so and to get this matter decided rather than leave it for decision after the elections are over. I submit that this matter must be further considered by this House and by the hon. Law Minister himself.

10 A.M.

Shri Sidhva: On a point of information, Sir. Yesterday the Deputy-Speaker fixed a time limit of fifteen minutes to each Member. May I know whether this has been relaxed to-day?

Mr. Speaker: I do not propose to relax the time-limit; I would like to make it stricter. But I was ignorant of such a limit. In any case, a large number of Members have spoken and over and over again the same remarks are being made. I do not expect a consideration motion should be permitted to go very long. That is my feeling.

Shri Frank Anthony (Madhya Pradesh): Sir, I wanted to speak.

Mr. Speaker: I am entirely in the hands of the House. I have a long list here and I am anxious to give a chance to as many Members as possible.

An Hon. Member: Is it a long list?

Mr. Speaker: Yes, a very long list, almost all of them must go on the disappointed list.

Shri Syamnandan Sahaya: Next I come to the determination of the candidate for a reserved seat. On page 5 of the Select Committee's Report it has been laid down:

> "We think this question should not be left undetermined especially in view of the provisions made in sub-clause (2) of clause 148..... with regard to the notification of casual vacancies in the House of the People and the State Legislative Assemblies. We consider that such determination should be made by lot and we have included a provision to that effect in sub-clause (3) of clause 53."

I think that at the time of filing nomination, a candidate should be asked to declare whether he is a candidate for the reserved or the general seat. This may solve the difficulty.

Mr. Speaker: I am unwilling to put any time-limit particularly in the case of a legislation. But the hon. Member has already taken more than half an hour and he may bring his remarks to a close.

Shri Syamnandan Sahaya: Yes, Sir. I will conclude quickly.

The question of Government servants taking part in elections is a difficult one; but I feel that we should not summarily reject the suggestion made by some hon. Members that those engaged in industrial concerns should be allowed to play their part in these elections. We cannot really debar the labourers working in these concerns from taking an active part in the next elections. The case of administrative officers or officers concerned with the governance of the country is certainly different. These must be stopped from taking an active part in the elections. But we know we have some important nationalised industries and some more are proposed to be nationalised and so I do not think it will be proper to debar the industrial worker even though he may be associated with a Government concern, from taking an active part in the elections.

[Shri Shyamnandan Sahaya]

I have already taken a...

Prof. Ranga: A lot of time.

Shri Syamnandan Sahaya: Not a lot of time, but an appreciable amount of time and I do not wish to take up any more of the time of the House. I commend the suggestions that I have made for the consideration of the hon. Minister and the House.

श्रीमती उमा नेहरू: जनाब स्पीकर साहब, मैं अपने लॉ मंत्री (Law Minister) को बहुत मुबारकबाद देती हूं कि उन्होंने बिल को आखिर पेश किया और संग, संग जो व्याख्यान उन्होंने बिल के साथ दिया, उस से हम को बहुत कुछ बातें मालूम हुईं। सब से बड़ी खुशी की बात तो यह है कि आप को इतनी फिक्र है कि यह हाउस (House) जो है, वह कोई स्टाक एक्सचेन्ज (stock exchange) न बन जाये। यह तो बहुत ही अच्छा है और संग संग यह भी आप को फिक्र है कि कहीं यह हाउस जो है, वह यसमैन (yes-man) हाउस न बन जाये। यह नसीहत जो आप ने दी है, वह मैं समझती हूं कि बहुत मुफ़ीद है और इस का विचार बराबर रक्खा जायेगा।

अब हमारे सामने सब से बड़ी बात सोचने की यह है, मैं ने अपने आनरेबल मेम्बर पंडत जी का झंडे के बारे में व्याख्यान सुना। जितने भी हमारे एलेक्शन (election) होते हैं कांग्रेस के, उन में झंडे ने बहुत बड़ा हिस्सा लिया है। मैं जानती हूं कि झंडा इस वक्त बड़ी गड़बड़ी कर रहा है, और अनेक झंडे यहां पैदा हो रहे हैं, इसलिये जरूरी है कि झंडे न आयें, लेकिन मैं समझती हूं कि झंडे का कुछ चिन्ह जरूर होना चाहिये। अगर कांग्रेस का कैन्डिडेट (candidate) खड़ा होता है, तो उस के सीने पर झंडे का चिन्ह हो, या उस के जो वोटर्स (voters) हैं, जो कांग्रेस को वोट (vote) दें उन के सीने पर झंडे का चिन्ह हो, तो उस को डिस्क्वालिफाई (disqualify) न होना चाहिये, मेरी राय में। क्योंकि मैं अपने मिनिस्टर साहब को बतला दूं कि हम तो विचार ही नहीं कर सकते हैं, यह सेन्टिमेन्ट्स (sentiments) की बात नहीं है, लेकिन असलियत यह है कि हम इस का विचार ही नहीं कर सकते हैं कि हम झंडे का चिन्ह ले कर आगे न जायें। इस झंडे के पीछे उस की बड़ी गहरी कहानी है और उस के पीछे बहुत सारी बातें छिपी हुई हैं। तो मैं समझती हूं कि हमारे झंडे का चिन्ह जरूर होना चाहिये और उसे डिस्क्वालिफिकेशन (disqualification) में नहीं शुमार करना चाहियें।

साथ ही साथ मैं यह कहना चाहती हूं कि मैं ने अखबारों में पढ़ा, खास तौर से बिहार की स्त्रियों के बारे में कि वहां पर उन्हों ने अपने नाम नहीं लिखाये। मैं समझती हूं कि उन्होंने इस लिये ऐसा किया कि उन में इतनी शिक्षा नहीं है, उन्होंने अपने पति का नाम दिया जैसा पहले बराबर दस्तूर था। मैं भी एलेक्शन में बहुत खड़ी हुई हूं, मैं ने देखा है कि लिस्ट में होता है, वाइफ आफ (wife of) या जोजा। लेकिन अब चूंकि ऐडल्ट फ्रैन्चाइज (adult franchise) है, मैं चाहती हूं कि स्त्रियों का नाम आये, क्योंकि वहां पर स्त्रियों का नाम न होने की वजह से अनेक स्त्रियां डिस्क्वालिफाई कर दी गई हैं।

श्री श्यामनंदन सहाय: पच्चीस लाख।

यह सुन कर बहुत दुःख हुआ कि ऐसा हुआ और उस पर विचार नहीं किया गया ।

इस के साथ ही एलेक्टोरल रोल (electoral roll) जो बने हैं, उन को देख कर तो मुझे एक अजीब सी शर्म आती है कि हम ऐडल्ट फ्रैन्चाइज़ करने जा रहे हैं, हम पश्चिमी मुल्कों की हर चीज़ ले रहे हैं, लेकिन अभी एक भाई ने मुझे एलेक्टोरल रोल दिखाया, उस में लिखा हुआ है दूकान नं०२२, दूकान नं० २३, दूकान नं० २४, उस के अन्दर नाम कहीं है ही नहीं । सिर्फ दूकान ही उस के अन्दर हैं । मेरी समझ में नहीं आता कि ऐसा क्यों है । क्या दूकानें जा कर वोट देंगी । इतनी अज्ञानता मुझे दिखलाई देती है । दूसरी तरफ हद से ज्यादा एहतियात दिखलाई देती है । दोनों एक्स्ट्रीम्स (extremes) हैं । मैं समझती हूं कि हमारे जो लॉ के मंत्री हैं, वह इन बातों का विचार कर के हमें इन उलझनों से निजात दिलायेंगे । मैं नहीं जानती की आप के बिल में है या नहीं, लेकिन मैं चाहती हूं कि स्त्रियों के वास्ते विशेष तरह से अलग इन्तजाम किय जाये, जैसा हमेशा किया जाता है, वोट देने के वास्ते । और मैं यह भी चाहती हूं कि स्त्रियों के वोट देने की जगह पर जितने अफ़सर हों, वह स्त्रियां ही हों । ऐसा हमेशा होता है, यह मैं ने देखा है, लेकिन अब की ज्यादा तादाद में होना चाहिये । इस के साथ ही मैं चाहती हूं कि जो पर्दानशीन औरतें हैं, चद्दर ओढ़ कर या बुर्का ओढ़ कर आयें, उन के लिये भी हर तरेह की सहूलियत करनी चाहिये । मुझे यह कहने में शर्मिन्दगी नहीं होती है, मैं इस लिये कह रही हूं कि आप का हिन्दुस्तान अभी इतना ऐडवान्स (advance) नहीं है । वह जैसा है, उस को कदम व कदम आप को आगे ले जाना है, तो इस के लिये आप को बन्दोबस्त भी तो करना चाहिये ।

मैं इस के बहुत खिलाफ हूं कि आप किसी तरह की सवारी की इजाज़त दें । जो भी आदमी सवारी पर जाय, मोटर पर या और किसी तरह की कन्वेऐन्स (Conveyance) पर, उस को आप डिस्क्वालिफाई कर दें यह जरूरी है । यह ऐडल्ट फ्रैन्चाइज़ का एलेक्शन है, इस में सवारी बिल्कुल बन्द कर दी जानी चाहिये । सवारी में सिर्फ बीमार औरतें या बीमार मर्द या कोई लूला, लंगड़ा हो, उस के लिये सवारी की इजाज़त होनी चाहिये ।

[MR. DEPUTY-SPEAKER *in the Chair*]

वोटर भी सवारी ले कर न आये, न जिस के पास सवारी हो, वह आये । मैं तो चाहती हूं कि सब पैदल आयें । मुझे खुशी है कि हमारे मिनिस्टर साहब ने हमारे लिये कहा कि लेडीज़ (ladies) नहीं हैं, वीमेन (women) हैं, उन को सवारी की जरूरत नहीं है । मुझे बड़ी खुशी हुई यह सुन कर, उसी समय मेरे मित्र ने कहा कि अब लेडीज़ नहीं दिखाई देतीं । मैं ने कहा, सही है लेडीज़ जब हों, जब समाज में जेन्टलमेन (gentleman) दिखाई दें ।

मैं एक नई चीज़ पेश कर रही हूं । उसे मैं ने आप के किसी भी क्लाज़ में नहीं देखा और मैं चाहती हूं कि वह डिस्क्वालिफिकेशन में रख दिया जाय मैं जानती हूं कि इन्सान का एक तरफ हो कर रहना जरूरी है । जो इन्सान कभी इधर कभी उधर जाना चाहता है,

[श्रीमती उमा नेहरू]

कभी इस से सम्बन्ध, कभी उस से सम्बन्ध करना चाहता है, वैसा इन्सान मैं नहीं चाहती। मेरा इशारा इस तरफ है कि जो भी लोग हों, जिन का कोई सम्बन्ध किसी ऐसे देश से हो, जो हमारा दुश्मन हो, उस देश से हमारे किसी भी कैन्डिडेट (Candidate) का किसी तरह से सम्बन्ध हो, उस का खानदान वहां हो, उस के बाल बच्चे वहां हों, उस को आप को डिस्क्वालिफ़ाई कर देना चाहिये चाहे वह स्त्री हो या पुरुष हो। फ़र्ज़ कीजिये कि हम को ऐसा मालूम हो कि किसी कैन्डिडेट का पहले सम्बन्ध ऐसा रहा हो, इतना गहरा रिश्ता रहा हो, तो वह भी ख़तरनाक चीज़ होती है।

तो मैं चाहती हूं कि आप इस ख़तरे से अपने मुल्क को बचायें। मैं उन में से नहीं, जो कि यह समझते हैं कि नहीं, अगर यह भी हो जाय तो कोई बात नहीं है। अब तो जो बात होनी है, वह साफ होनी है। जो यहां रहना चाहते हैं, वह यहां रहें और वह पार्लियामेंट में और असेम्बली में आयें, लेकिन जो एक कदम यहां रखना चाहते हैं, और एक कदम वहां रखना चाहते हैं, उन को तो मैं चाहती हूं कि हरगिज़ क्वालीफ़ाई न किया जाय।

दूसरी सब से जरूरी बात है वह यह कि गवर्नमेंट लाइसेंस होल्डर्स (licence-holdets) और गवर्नमेंट कंट्रेक्टर्स (Government contractors) को क्वालीफ़ाई न किया जाय। मुझे यह कहते हुए दुःख होता है, क्योंकि उन में से बहुत से बड़े काबिल हैं और वह बहुत मदद कर सकते हैं। मैं यह नहीं कहती कि वह ब्लैक मार्केटिंग (black-marketing) करते हैं, लेकिन जिस का गवर्नमेंट से सम्बन्ध होगा, वह गवर्नमेंट से नफ़ा जरूर उठायेगा। इसलिये मैं कहती हूं कि उन को क्वालीफ़ाई न किया जाय।

यही चीज़ें मैं आप के सामने रखना चाहती हूं। मैं और ज्यादा समय नहीं लेना चाहती। आखिर में मैं मिनिस्टर साहब को मुबारक कहती हूं और मैं समझती हूं कि वह बड़े बैलेंस्ड माइंड (balanced-mind) के हैं और बहुत काबिल हैं, इसलिये वह इन बातों का ख्याल रखेंगे और हर तरह की सहूलियत पैदा करेंगे, ताकि ऐडल्ट फ्रैन्चाइज़ (adult franchise) के जरिये यसमैन न आवें, बल्कि ऐसे आदमी आवें, जो कि मुल्क को आगे बढ़ाने वाले हों।

(English translation of the above speech)

Shrimati Uma Nehru (Uttar Pradesh): I congratulate the hon. Minister of Law for bringing forward this Bill and delivering a fine speech which acquainted us with many new facts. The most gratifying thing is that he is taking pains to see that the House is not turned into a stock exchange or filled with mere 'yes men' of the Government. I believe this advice is much beneficial and, therefore, it will always be taken into consideration.

The most important question before us and which requires our active consideration is that of flags. I have heard the hon. Shri Pande speak on the question of flags. In all the elections of the Congress which have been held so far, flag has had an important part to play. I know many complications have been created by the question of flags and a number of new flags are coming in. Such a situation does demand that no flags should be used. But despite this I am of the opinion that there must be some symbol or the other. I want that the Congress candidates or the Congress voters having miniature flag pinned to their chests should not be disqualified on this account only. May I tell the hon. Minister

that it is not a question of mere sentiments, but the fact remains that we cannot even imagine a situation in which we can proceed ahead without our flag. There is a long tale behind this flag which symbolizes deepest urges and feelings. So, to my mind, the flag must be used and its use should not account for any disqualification.

I also wish to state that I have read in newspapers particularly about women of Bihar that they have not got their own names registered. I think they did so on account of their being illiterate. They only gave the names of their husbands as is usually done. I have contested many elections and as such I know that in the rolls they are registered as wives of such and such persons. But now that adult franchise has been provided for, it is imperative that the names of the women voters themselves be registered because there they have been disenfranchised on account of their names not being included in the rolls.

Shri Syamnandan Sahaya: Twenty-five lacs.

Shrimati Uma Nehru: I am sorry to hear that such things have occurred and no consideration has been given to it. I am ashamed to see the electoral rolls that have been prepared especially at a time when we are going to introduce adult franchise in our country. When we are imitating the western countries, why do we allow such things to happen? A short while ago a friend showed me an electoral roll which only contained the numbers of shops, e.g. shop No. 22, shop No. 23, shop No. 24 etc. and no names. I am at a loss to understand why things have been done in such a way. Will the shops come and vote? On the one hand, I find extreme negligence, and on the other, overcautiousness. These are the two extremes. I hope the hon. Minister of Law will give due consideration to these facts and rid us of these intricacies. I want that special arrangements be made as usual for women voters. I do not know whether this Bill provides for such arrangements or not, but so much I can say that such arrangements must be made. I also want women polling officers to be appointed at polling-booths for women. Such has been the usual practice, but this time they should be appointed in larger numbers. Due facilities should also be provided to *purdahnasheen* (*purdah*-observing) women who may come to vote after covering their faces with either *burqa* or *chaddar*. I do not feel in the least ashamed in saying all this, because I know our country is still not so much advanced. The country has to be led step by step along the way to progress and necessary arrangements have to be made accordingly to achieve this end.

I am totally opposed to the use of any kind of vehicle being permitted. It is imperative that a person using any conveyance—be it a motor car or any other vehicle—should be disqualified. This election is going to be held under adult franchise and, as such, there should be total restriction on the use of vehicles. Their use should only be confined to sick women or men or disabled persons.

[MR. DEPUTY-SPEAKER *in the Chair*]

Let the voters too not use any kind of vehicles—even those persons who have got their own vehicles should not use them. I for one would go so far as to say that all persons should come on foot. I am glad to hear the hon. Minister say that 'women' being no 'ladies' do not require any conveyance. At the same time he remarked that at present no 'ladies' are seen. At this I had only said that it was simply correct; 'ladies' can be seen only when there be 'gentlemen' in our society.

Now I am making an altogether new suggestion. I did not find such a provision in any of the given clauses of the present Bill and as such I wish it should be included in the disqualification list as it relates to disqualifications. I believe it is necessary for any human being that he or she should stick to any one particular side. I do not like those persons who vacillate from side to side. My reference is to those persons who associate themselves with such countries as may not be at good terms with us. Should any of our candidates be connected with any such country or his family or children be there, he or she must be disqualified. If any candidate has had any deep connection with such country in the past either then also it is a risky thing. I therefore want our country to be saved from this danger. I am not one of those persons who do not think there is any harm in it. It is high time the position should be clarified once and for all. Let the persons who want to stick to this side live here and come to Parliament or other legislatures; but the persons maintaining simultaneous connection with either countries should never be declared qualified.

The second and the most important thing is that the Government licence-holders and the Government contractors should not be qualified. No doubt, I am sorry to say so, because I know that some of them are very able and can be very helpful. I do not

[Shrimati Uma Nehru]

mean that they are black-marketers either; but it is true that one who is associated with the Government must earn profits from them. That is why I am of the view that such persons should not be qualified.

That is all what I wish to submit. I do not propose to take any more time of the House and before I conclude my speech I congratulate the hon. Minister once again. I hope the hon. Minister, balanced-minded and able that he is, will see that these provisions are duly made and every facility is provided to ensure a really free election—not of mere 'yes men' but of such persons as may be really helpful to the country's further advancement.

Pandit Kunzru (Uttar Pradesh): The hon. Law Minister deserves our congratulations on the Bill that was referred to the Select Committee. I think it will be admitted by every reader of the Bill that in its concern for the independence of the House of People and the freedom and purity of the elections, it goes beyond the existing law. It is a matter of common knowledge that officials have taken an objectionable part in promoting the candidature of certain persons. But the law did not provide for any punishment to them. I think it is for the first time that the Bill before us lays down that officials guilty of improper interference in elections, of taking sides with candidates, with inducing or in other ways showing their partiality, will be as liable to punishment as any other person who offends against the provisions of the Bill.

The Select Committee has, in certain respects, improved the Bill but it was of course not to be expected that the Bill as it emerged from the Select Committee, would be above all criticism. It is not surprising therefore that hon. Members should have found it defective in this respect or in that. But I think that leaving out clause 7 and one or two other clauses, there is hardly any important matter in which there have been differences of opinion expressed so far with regard to the provisions of the Bill and I am sure my hon. friend the Law Minister will approach the suggestions made for the further improvement of the Bill with a view to examining the matter more carefully than perhaps it has been so far.

I would myself like to refer briefly to the provisions of clause 7 which requires that Government servants dismissed for corruption or disloyalty to the State shall be disqualified for the membership of Parliament or a State Legislature for a period of five years. Disloyalty is a term that has not been defined anywhere in the Act. If what is meant is that persons who are believed to have been guilty of a treason should be debarred from seeking to enter Parliament, I am sure that everyone would be in agreement with this clause. But in these days of party Government, officials may incur the wrath or suspicion of the Government because their views in certain respects may not be acceptable to the Government of the day. I do not say that the party Governments that will take office in future will necessarily be unfair to their officials but taking human nature as it is, there is undoubtedly a danger that an official.....

Mr. Deputy-Speaker: Disloyalty to the State and not to the Government for the time being.

Pandit Kunzru: Who is to be the judge of the disloyalty? Not the State. The State may be a personality for legal purposes but for the purpose of arriving at a decision in a matter like this, the State cannot act except through the Government of the day. I think therefore that either disloyalty should be defined or the disqualification for membership should be confined only to cases of corruption among public servants. This is an important matter. I am sure that my hon. friend the Law Minister who has tried so much to make elections really free and to see that the authorities are not able to interfere with the freedom of the elections will look into this matter sympathetically.

Shri Hanumanthaiya (Mysore): Was that suggestion made in the Select Committee?

Pandit Kunzru: I was not present at every meeting of the Select Committee and cannot therefore say whether the suggestion was made in the Select Committee or not but the absence of any suggestion to this effect in the Select Committee surely does not debar any Member of this House from putting forward a view that did not occur to any Member of the Select Committee.

I shall now refer to the disqualifications for membership enumerated in clause 7(d), about which there has been so much discussion. I propose to deal with the matter very briefly. I am in entire sympathy with the desire of the hon. Law Minister that people

who receive favours from the State and are therefore likely to be subservient to it should as far as possible have no place in the House of the People. But in these days of controls in respect of the most important matters, it would be difficult to find any businessman who does not depend for his livelihood on getting a licence or a permit or an authorisation from the Government of India or the Government of a State. Before the new rules relating to export and import licences came into force, there were people who were taking part in export and import business but in order to carry on even their old business they were required to obtain a licence from Government. Now, are these people to be debarred from standing as candidates for the House of the People merely because they cannot carry on their old occupation except with the permission of the Government? This illustration alone shows that the restriction goes too far. In England, to which a reference was made by my hon. friend, Shri Syamnandan Sahaya, the House of Commons Disqualification Acts of 1782 and 1801 were amended in 1931, so that the disqualification for membership of the House of Commons might extend only to contracts, agreements or commissions for the furnishing or providing money to be remitted abroad from wages and merchandise to be used or employed in the service of the public. Even when the law was much wider a century and a half ago the electoral law was not as stringent as this Bill. Every one in this House, I am sure, knows the conflicts between the House of Commons and the Crown in the old days, when the Crown could ensure the return of men or persons who derived benefits of various kinds from the State in order to secure the subservience of the House to the wishes of the Crown. But even there a provision as drastic as this contained in the Bill never found a place in any statute dealing with elections. In India the position surely is not in any way worse than what it was in England in the 18th century and I think therefore that the provisions of sub-clause (d) of clause 7 should be amended so as practically not to disqualify every businessman from standing as a candidate for the House of the People. I would in common with some other Members suggest that those who hold licences or permits for carrying on their business should not be debarred from membership of this House. I know that it is the intention of the Law Minister to change the provisions of sub-clause (d) in such a way as to enable licence and permit holders to seek election to the House of the People but in order to continue to sit there they should give up their licences or permits as the case may be. But this will not meet the requirements of the case. To my mind there is no reason why a person who takes out a licence or a permit and who has not entered into any contract with the Government for the supply of goods or for the performance of any service should be prevented from continuing to be a member of this House.

The disability placed on managing directors, directors and officials of corporations in which Government have a share or interest is a matter which is not as simple as my hon. friend Mr. Syamnandan Sahaya made out. The matter may require further consideration but I think the provision laid down in the Bill is of a desirable character. When Government have a share in a corporation the managing agent, director or official of the corporation is likely to be amenable to the wishes of the authorities. It is scarcely possible that when Government are shareholders in a concern the directors of that concern could feel that they were on an equal footing with the Government. They are likely to feel as if they were bound to do nothing that would displease the Government. I think therefore that such a provision is needed, though the language of it may require some revision.

I shall now refer to the question of voting in elections. My hon. friend the Law Minister said in the course of his speech that the Constituent Assembly decided long ago on a motion by Sardar Patel that the system of voting should be distributive. My hon. friend is correct there but the Drafting Committee of which he was the Chairman felt itself compelled to depart from the recommendations of the Constituent Assembly in certain important respects. And this fact has been referred to by him in his letter to the President forwarding the draft of the Constitution prepared by the Drafting Committee. Apart from this, this House is a sovereign House, it is not bound by any previous decision of the Constituent Assembly, it is free, perfectly free, to revise it. I think it would be desirable to depart from the old decision and to permit cumulative voting in three-member constituencies. The fear that this would strengthen communalism is, I think, unfounded. For in a three-member constituency any person in order to succeed must obtain at least 25 per cent. of the votes. There is hardly any minority in this country that can, with only 25 per cent. of the votes, ensure the success of its candidates. Again, a candidate who secures 25 per cent. of the votes cannot be regarded as belonging to a small

[Pandit Kunzru]

group; the party whose nominee can secure such a substantial percentage of the votes must be regarded as an important party and as one the rights of which ought to be safeguarded under the Bill.

There are two matters of slightly less importance that I should like to refer to before I sit down. Clauses 138 to 140 deal with offences entailing disqualification for membership of a legislature or for voting. If a man commits a serious electoral offence he may be dealt with in two ways: the Election Tribunal may declare him to have been guilty of a corrupt practice and if he is a candidate declare his election void, or the man may be prosecuted for the offence committed by him and sentenced to imprisonment. In the former case, that is when he is held guilty by an Election Tribunal, the period of disqualification will commence from the date of the finding. In the latter case, it will commence from the date of his conviction. Now, the conviction may come much later than the finding of the Election Tribunal. Thus, a man for the same offence may be disqualified not for six years but for a substantially longer period, for six years and a half or seven years or even more. I think this is a matter that requires the consideration of Government. Whatever the period of disqualification may be, it should not in all exceed the period provided for in the Bill, even if a man is declared guilty by the Election Tribunal and also punished by a court of law.

The other matter that I should like to refer to relates to decision of cases where there is a difference of opinion between the chairman and the member of an Election Tribunal. The intention of the Government, so far as I know, is that in all such cases there should be a reference to the High Court, but I am afraid that the language of clause 103 does not make this absolutely clear. That clause says:

> "If during the trial of an election petition there is a difference of opinion among the members of the Tribunal on any matter, the opinion of the Chairman shall, subject to the opinion, if any, expressed by the High Court on such matter on a reference made to that Court under sub-section (2), prevail."

Sub-clause (2) requires the reference of differences of opinion among the members of the Tribunal only on a question regarding the orders to be made under clause 97 or clause 98. Now it is true that an order dismissing an election petition or declaring an election void can be issued only under clause 97, but as the orders will depend on the previous findings and in regard to findings in certain cases the opinion of the chairman of the Tribunal may be final, I wonder whether any reference in such a case would be permissible to the High Court. It would be permissible if the question was whether a corrupt practice had been committed by a candidate or his agent, or with the connivance of either of them, but so far as I can see if a corrupt practice is committed in the interest of a candidate by a man without any connivance on the part of the candidate or his election agent, then there will be no reference to the High Court. Surely, this was not intended by Government. I think, therefore, that the language of clause 103 should be made clear so that references may be made to the High Court with respect to all matters in which there are differences of opinion between the members of an Election Tribunal.

Before I sit down, I should like to refer to one or two matters of a general kind which it is necessary to bear in mind if we wish that all persons should be free to take part in elections and that the electorate should be conscious of the great responsibility placed on it by the Bill before us. In my opinion, it is highly desirable that the Information and Broadcasting Department should allow members of all parties to use the facilities that it provides for the enlightenment of the electorate. Unless this is done, I do not see how even the strongest party in this country can effectively reach the electorate.

Again, so far as the polling day is concerned, I think every voter should be informed by the election agency in advance by issue of cards indicating his roll number, place in the electoral roll and the address of his booth, as is done in England. Every elector will thus come to know that on a particular day, which is of great importance, because it will enable him to decide what the character of his Government should be, he should exercise the valuable right that this Bill confers. This will also enable polling to take place much more quickly than would otherwise be possible. If a man's identity has to be checked after his arrival at a polling booth a great deal of time would necessarily be taken up by this procedure. But if every voter receives a card in advance from the official election agency, stating his number and other particulars, no verification will be necessary at the polling booths.

Again in order that the election expenses may not be high and people belonging to the weaker parties or the poorer sections of the population may not be at a disadvantage with more fortunate candidates, free postal transmission of election manifestos of candidates should be allowed as in England. What is possible in England should not be impossible in this country. This facility should be given only for the despatch of the election manifesto once in the course of an election campaign.

Again, I think that at least one free copy of the electoral roll should be supplied to every candidate. (*An Hon. Member*: For every sitting Member). An hon. Member says for every sitting Member. It is not necessary that this privilege should be confined to the sitting Member. It should be extended to all candidates.

Another matter that is connected with this is that the electoral rolls should be available at a small cost. If the cost, say, of an electoral roll of a parliamentary constituency is a thousand rupees, the poor candidate will be under a handicap. But if its cost is only, say Rs. 250, then the disadvantage would be much smaller and I suggest, therefore, that the cost of an electoral roll of a parliamentary constituency should not exceed Rs. 200 and of that of a State constituency should not exceed Rs. 50 or Rs. 60. Now, the State may have to incur considerable loss on the publication of the electoral rolls. But as this is a matter of considerable public interest, indeed of vital public interest, no expenditure on this score should be grudged.

I venture to think that unless the suggestions that I have placed before the House are borne in mind by the authorities, the elections though they may be free in form will not be so in reality. Our desire should be to leave all doors open to the entry of talent into this House. Let us not suppose that the monopoly is possessed by any party or community. Talents which may be placed at the service of the State may be possessed by people belonging to the humblest sections of the population and indeed we know that some of the greatest men of the world were men of very humble origin. Men who have saved the world came from extremely poor families and began their life under every conceivable disadvantage. Knowing these things, let us make things as easy as possible for the entry of such persons into the House of the People as would be mindful of the interests of their country and try to serve it worthily in times of need.

Shri Iyyunni (Travancore-Cochin): May I know whether the time-limit of fifteen minutes is strictly adhered to?

Mr. Deputy-Speaker: It is being adhered to. Prof. Ranga.

Shri R. K. Chaudhuri (Assam): I have been standing since yesterday to catch your eye, but have not received a chance.

Mr. Deputy-Speaker: Hon. Members will have sufficient opportunity during the clause by clause discussion. It is not possible for me to give an opportunity to all Members.

Shri A. C. Guha (West Bengal): Will you at least announce the names of hon. Members whom you are going to call today?

Mr. Deputy-Speaker: After Prof. Ranga, I shall call Shri Manilal Shah, Shri T. T. Krishnamachari, Thakur Krishna Singh, Shri Barman, Dr. P.S. Deshmukh and possibly Dr. Ambedkar.

گیانی جی - ایس - مسافر: کیا ہم لوگ ابھی اپنا نام دے سکتے ہیں ؟

[**Giani G. S. Musafir** (Punjab): Can we give our names even now?]

उपाध्यक्ष महोदय : कई नाम हैं।

[**Mr. Deputy-Speaker:** There are so many names.]

Prof. Ranga: As my hon. friend Dr. Kunzru has said it is not only necessary that we should make an appearance of creating an atmosphere for free elections but also take the necessary steps to see that our elections would really be free and unfettered. I am glad that my hon. friend Dr. Ambedkar has introduced these four clauses, namely 131, 133, 134 and 135. Through these clauses he makes it possible for some of these officers who may misbehave at the time of these elections to be arraigned before a court of law and to be punished. I am glad that he has made provision for not only fining them but also for imprisoning them. But the difficulty is, who is to bring them to a court of law? Is it the Returning Officer? It is not stated. I am glad that the Returning Officer also is liable to be brought before a court of law. If it is to be left to the ordinary citizens themselves I am afraid that it might not be

[Prof. Ranga]

possible for them to bring these wrong-doers to book at a sufficiently early date and in time and also to prevent most of the mischief. I would like my hon. friend the Law Minister to think about this matter and try to make some provision in order to move the machinery of law much more expeditiously and more easily than can possibly be imagined by us. We all know that the administration should be kept completely out of these elections so far as their interest is concerned. We also know from our past experience as well as our recent experience that the administration is harnessed to our Ministries and the parties behind them—one, two or many more—and it is quite possible that several persons or the whole of the administration might come to be so much interested in one or more candidates who might be standing in one or more constituencies that they might play any amount of mischief indeed. As I have already warned the House on an earlier occasion, we have clothed the police officers with summary powers. We have empowered them—this is how the provision reads:

> "any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention"—that is with regard to microphones and so on.

Then the presiding officer himself can call upon any police officer to arrest any individual or any set of individuals and remove them from the places of elections. Now, these two provisions can easily be abused by the officers concerned. Where is the guarantee and what steps are being taken in order to see that these provisions would not be abused? I find no mention at all of any such guarantee in the whole of this Bill. No less a man than Shri P. C. Ghosh of Bengal who had been an ex-Premier had had to complain only recently of the undue influence that the Ministry as well as the administration had tried to bring to bear upon the election that has taken place recently. Similar experiences have been met with in several other Provinces also, especially in Local Board elections, and it is not difficult to imagine how much more mischief might come to be played during the next General Elections when thousands and thousands of people as candidates and millions of people as voters would come to be interested in these elections. That is why I think that much greater attention should be paid than has been sought to be paid by the Select Committee as well as the author of this Bill to see that the administration and the Ministry and the parties behind do not misuse their powers.

I am glad that my hon. friends Dr. Kunzru and Mr. Sahaya had admitted the necessity for preventing those people who derive directly some benefit from the State or the activities of the State, from standing as candidates. But at the same time I am not able to agree with them that this clause 7 needs such drastic revision as they suggest. If at all any revision is to be made it might go to this extent that only those people who derive monopolist powers as a result of the exercise of these controls by the State to the exclusion of the exercise of these very same powers by other merchants and other traders, should be debarred from standing for Parliament. In regard to all those others, for instance the money-lenders and ordinary shop-keepers, where there is no monopoly at all and mere licensing is instituted in order to get information, in order to keep trace of all those people who are carrying on such and such trade in such and such commodity and so on, those people need not be prevented from coming into Parliament. In that direction I would like this clause to be reconsidered, if at all such a reconsideration is considered to be essential.

So far as the Chairmanship of the Tribunal is concerned I would like to suggest that to think of making a district judge the Chairman is really not reasonable. No one enjoying a lower status than that of a High Court Judge should ever be appointed as the Chairman of the Tribunal.

Dr. Ambedkar: You cannot get so many High Court Judges.

Prof. Ranga: You do not have so many Tribunals either.

Dr. Ambedkar: You do not know how many petitions there will be.

Prof. Ranga: Then, there should be a maximum limit for election expenses. I do not think it is advisable to leave it to be prescribed later on by rules. And in making these rules I hope that it is only the Union Government which will be entrusted with this responsibility and not the State Governments. Even in this connection I do suggest for the consideration of the Law Minister that this power might be left with the President to be exercised on the advice of his Election Commissioner.

11 A.M.

Then at the time of the elections, I would like to know whether it should not be advisable to accept the suggestion made by my hon. friend, Babu Ramnarayan Singh the other day that we might have at some stage a non-Ministerial regime, maybe for a month or two. This is a matter, I agree, for which there is no precedent in other countries. But our conditions are rather peculiar and I shall not be surprised if at the time of the elections a similar experience does come our way as had been experienced in Italy and France at the time of their elections, when there is too much of trouble, violence, rowdyism and too much of play of money and passion and all the rest of it. Therefore, I would like this matter to be considered again. I am sorry that the Select Committee did not think it fit to accept my suggestion made last time that so far as the Returning Officers are concerned, they should be brought from other provinces. It would not be such an impracticable thing because we know there is only one Returning Officer for each district and even in the largest province that we have, that is U.P., we do not need more than 50 people to be brought from the neighbouring provinces. It is also not necessary for them to know the local languages because their duty is to control the Assistant Returning Officers and polling officers. If at any time and in any place polling officers, chief polling officers and various others who are to assist them were to behave badly, they should have summary powers to remove them from these positions and later on to recommend to the Election Commission, and through the Election Commission to the President, disciplinary action against those officers who might misbehave and if the Returning Officers were to be chosen from the local provinces or State, then they might not feel themselves so very free to make such recommendations for punishment as could be expected from those Returning Officers who might be brought from other provinces.

I am sorry that this Bill seeks to empower the Assistant Returning Officers also with the same powers that the Returning Officers are expected to have and I am very much opposed to this and there must be that distinction made between the Returning Officer and the Assistant Returning Officer and the Returning Officers should be empowered with all the drastic powers that this Bill seeks to vest in them.

Then coming to the election manifesto, I am also in agreement with my hon. friend Pandit Kunzru that the candidates should be given the privilege of sending these election manifestos post-free to all the voters.

There used to be a provision in the earlier Bill that the election petition may be preferred by an officer so empowered to raise it. Unfortunately that has come to be deleted here and now if we have to pursue the procedure that is prescribed here in this Bill, it would become almost impossible for any ordinary candidate coming from the proletariat or the peasant class to prefer an election petition and go through all the trouble and that is why I do suggest that we should go back to the original provision in the Bill.

With regard to the recent objections to the behaviour of all these various officers at the time of the elections, we should have power vested in the Returning Officers and as against the Returning Officers in the Election Commission itself on the motion made by any one of the electors or any one of the candidates. Otherwise, it would be impossible for us to have any real effective control over these officers including the Returning Officers themselves. I am also extremely anxious that no more than that number of voters should be prescribed for any polling station whose votes can be registered with ease and without fail during those eight hours of voting which have come to be prescribed. It is stated here that it should be one thousand voters and I would like to know the experience of the various State Governments as well as the Union Government in the previous elections whether as many as one thousand voters had come to be recorded at all. I have had experience of very many General Elections in which at many polling stations the polling officers used to obstruct with the result that the voters of one particular candidate would be allowed to vote and they would go about their work so slowly that the polling period was over and the votes of the opposing candidates were not allowed properly to be recorded at all and on many occasions there were objections raised but all these objections were set at nought. Therefore, some care should be taken in this regard. One other step has got to be taken. What happens if a polling officer were to obstruct in this fashion and refuse to record these votes? It is said that the agents of the candidates would be empowered to record their protest and leave the papers with the polling officer. There were occasions when

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the polling officers refused to accept these objections and simply asked these people to go to the devil and they would not keep anything at all on record and under those circumstances these poor polling agents of the candidates were reduced to the plight of sending telegrams to the local Returning Officer who generally happened to be a Collector and no action was taken by him at all. Now, something has got to be done in order to prevent these polling officers from playing any such mischief. There would be these presiding polling officers and in their absence some other polling officer may do this duty but who is to decide? Is it the Chief Polling Officer or the Returning Officer? I have a notion that the Returning Officer would be expected to nominate not only the presiding officer but also the alternate presiding officer and so on. If I am not wrongly informed, I would like my hon. friend the Law Minister to make a suitable provision to this end.

Lastly, everything depends upon the conscientious manner in which this Bill, when it becomes an Act, is going to be enforced. Who is to enforce it? I would like it to be understood that it should be the Election Commission and not the local Ministers at all. It has come to my notice that recently one Provincial Minister had the temerity publicly to state that the running of these elections is going to be in his hands and therefore those who were not going to co-operate with him or his friends, his party and his Ministry would have to be extremely careful about what they were going to do. It might have been an indiscreet speech but at the same time it speaks of the mind behind and the manner in which they want to monopolize and demoralize our elections. Therefore I sincerely hope and trust that not only our Union Ministers but also our Provincial Ministers would not be given that much power to pervert our elections and turn our elections into a log rolling machine where only a stated number of people will come to be registered as having been elected and others defeated merely because of the misuse of the election machine. I sincerely hope that steps would be taken by the Union Government and the President to see that the President would take up this matter as a special responsibility and will see to it through the election commission and through their independent activity that no scope is given for any such complaints to be made in the Provinces or over the Parliamentary elections.

Shri M. C. Shah (Bombay): We are all aware that assurances were given by the spokesmen of the Government not once but many times on the floor of this House that no section of the community at large will be denied fair elections, that it is a legitimate right of all sections to participate in the elections and to associate themselves in the governance of the country if they are elected by their electors. The entire business community of this country is therefore very rightly perturbed at seeing certain clauses being introduced in the Bill as it has emerged from the Select Committee and as brought up before this House.

In the original Bill, clause 7 had only three clauses. Thereafter, in the Select Committee, certain other clauses have been added. I refer particularly to clause 7 (d) (ii). If that clause is kept in the Bill, then, I am afraid, if not the entire business community, but a very great part of the business community will be denied its legitimate right. Dr. Ambedkar is not responsible for this insertion. I was not a Member of the Select Committee, but as one of the Members who were invited to attend the proceedings of the Select Committee, I happened to be there, when this question was taken up. I may be pardoned by the Members of the Select Committee if I say that because of over-enthusiasm to penalise the black-marketeers and the anti-social elements—I am sure they must be penalised—in their over-enthusiasm to penalise a certain section of that community, the whole business community was sought to be penalised by the insertion of the clause 7 (d) (ii). I agree that clause 7 (d) (i) should be kept there. If any person enters into any contract or undertaking with the Central Government or with the State Government, certainly, he should be disqualified and he should not be allowed to have a seat in the Houses of Parliament or in the legislatures of the States. It is quite possible that such a member will use in his favour, his position as a member of the legislature. But because of the conditions created by the economy of the country, if permits or licences or authorisations of a like nature are absolutely necessary for the honest traders, are we going to debar all those honest traders from standing for election and are we going to deny them association in the governance of the country? We all know that the business community mostly comes from the middle classes. We all also know that the middle classes have to their credit a glorious share in the fight for independence of the country.

From the part of the country from which I come, I know that the business community yielded to none in their sacrifices for the independence of the country. We have now won political independence. We have yet to win economic freedom. We have to revolutionise the whole society and win economic freedom. Are we now to deny this section of the community who are as patriotic as ourselves, who are as mindful of the interests of the country as ourselves, the right to stand for election, and the right to take part in the governance of the country? I think no reasonable man will ever accept such a position. Permits and licences are a necessary part of the trade today. I am afraid, Dr. Ambedkar being pre-occupied in law matters may not have the general knowledge about business conditions in the country. He may not be aware of where a licence is necessary, where a permit is necessary and where authorisation of that sort is necessary. But, those who know about business conditions today know that almost all the traders require permits or licences of one sort or the other. Because there are certain black sheep or certain people who are engaged in anti-social activities like black-marketing and such other things, because of the misdeeds of the few, are we going to penalise the whole business community? I submit that clause 7 (d) (ii) should be deleted. It is no use even amending it. It cannot be amended It must go. I am sure the House will do the right thing and give their legitimate place to the business community in the future governance of the country. So, I plead with all earnestness that clause 7(d) (ii) ought to be omitted, instead of attempting to amend it in any way; so also the proviso attached to clause 7 (d) (ii).

As I just now said, when that Bill was introduced, Dr. Ambedkar had not introduced this clause 7(d), but, because of the over-enthusiasm on the part of certain Members of the Select Committee, he had to yield to the impulse of the Members of the Select Committee.

Shri Sarwate (Madhya Bharat): On a point of order, Sir. Is it correct to refer to the proceedings of the Select Committee and to refer to particular Members in this way?

Mr. Deputy-Speaker: I do not know whether the hon. Member was a Member of the Select Committee.

Shri M. C. Shah: I was not a Member of the Select Committee; I was invited to attend. I attended some of the meetings. When this clause was suggested, fortunately, I was present. Simply I am giving my impressions. I do not mean any offence to the Members of the Select Committee. I do plead that if they had considered this aspect of the question in a cooler moment, this clause 7(d) (ii) would not have found a place in this Bill. That is my impression and that is my conviction.

Dr. Deshmukh (Madhya Pradesh): To mean offence is no offence. What is prohibited is the disclosure of what happened in the Select Committee.

Mr. Deputy-Speaker: It is open to any hon. Member to say that the Select Committee was wrong. That is what he is trying to say.

Shri Munavalli (Bombay): He is disclosing what happened there.

Shri M. C. Shah: I was simply submitting that I was present then and that my impression is this. I do not know whether Dr. Ambedkar was present that day or not. Dr. Ambedkar is a strong man and he would not have yielded to this impulse. Perhaps, he was not present at those discussions.

Shri Sarwate: Again, on a point of order, Sir. To say with particular reference that he was present or not present, that he did not move the motion in the Select Committee is it regular or permissible?

Mr. Deputy-Speaker: The proceedings of the Select Committee are generally confidential, because to disclose all that had happened in the Select Committee would create bitterness and heartburning outside. It is a process of evolution. What took place in the Select Committee need not be referred to individually or collectively. It is the final decision that matters. It is open to any hon. Member, including one who was a party to the Select Committee, of course with some exceptions, to say that the decision is wrong and the House as a whole must set it right. Why should we assume that in spite of all the efforts of some hon. Members the majority came to a different view? All that need not be referred to.

Shri M. C. Shah: Dr. Ambedkar in his speech had said that he would not like to convert this House into a stock exchange. I believe, removal of this disqualification is not going to convert the House into a stock exchange. That was not his first thought. If he had thought that way, I am sure, such a clause would have found a place in the

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Bill that was introduced by him This sentiment of his, really speaking, is an after-thought, after this report was placed before the House. Therefore, I entirely agree with my hon. friend Mr. Syamnandan Sahaya when he said that this clause should go. He has quoted sections from the electoral laws of various other countries. Even if such a clause were there, I would have pleaded that we should give an opportunity to each one and all. This is a fundamental right given in the Constitution to engage in any trade or profession one likes. How can we deny this right? We ourselves create conditions in which honest people have to take out licences and permits in order to earn their livelihood; at the same time, we debar those persons from entering the election field. I think it will be most unfair if the House allows this clause to remain in the Bill. And in the proviso they refer to a person who is "a shareholder but not a director or managing agent." There again, I feel that Dr. Ambedkar is not aware of the conditions prevailing in the business world of this country. Here the directors are mere dummy directors and they are possibly called only once or twice in the year and paid Rs. 50 or Rs. 100 as remuneration. The real business of administration is always carried on by the managing agent or the managing director. In England and other places the directors are paid persons who look after the administration of the company whereas in India it is not so. Therefore I say that instead of putting it down as director, the word managing director ought to be there. I again plead that the whole of clause 7 (d) (ii) plus the proviso should go. Any amendment that may be under the contemplation of Dr. Ambedkar will not serve the purpose.

I am entirely in agreement with those who have said that opportunities should be given to all to take part in this election. Even the Princes should be allowed. So much has been said against their being allowed to take part in the elections. Why? I say, let them come in and if they are trained to work our democratic institutions, they will be a source of great strength and they will become very useful citizens. I would give every opportunity to every one unless he has been convicted for anti-social activities, unless they are convicted for black-marketing or any other anti-social activities. In such cases I would agree to their being debarred for five or ten years or even for a longer period. But I do not want that those who engage themselves in honest trade should be debarred by any clause in this Bill.

I would like to make just a few remarks on clause 35 as it was in the original Bill. I have had some experience of elections and I feel that the right of appeal against rejection or acceptance of nomination should be there. It is there in the election rules of the local bodies in Bombay. The original clause ought to be there, otherwise if the election is challenged on the ground of the acceptance or rejection of the nomination, the whole election will be set aside and unnecessary expenditure and trouble will follow. The original clause as was proposed by Dr. Ambedkar ought to be there. Some time-limit within which the district judge, or whoever may be designated to give judgment, should give a decision may be added. I say that such a provision is there to-day in Bombay and it is working satisfactorily. I have got experience of nearly six elections, where practically I have conducted the elections myself and I have found that this clause is very helpful in avoiding subsequent difficulties.

Shri Bharati (Madras): Is there any time-limit in the rules governing the elections to the local bodies that the hon. Member just now referred to?

Shri M. C. Shah: I have just asked for a copy of those rules and I feel there is. I am speaking from memory. As a matter of fact this matter can be decided soon in a summary manner. Some three days may be allowed in which to file the appeal and the appeal always lies with the person in the district—the district judge, usually. He can immediately hear the parties and give his decision. Here in this case you have kept thirty days between polling and the last day of withdrawal and three or four days may be added in that period for this purpose, in order to avoid all the possible complications later on. It is all the more necessary here, as here in this country such huge numbers are involved and there is adult franchise and there may be trouble-creators who will go about appealing just to set aside elections.

On clause 124 (3) I have something to say. Among illegal practices is included:

> "The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and

address of the printer and publisher thereof."

I feel that this is too vague and may lead to trouble. Any interested person can put out a placard or poster or something without any name or address of the printer and get the rival candidate into trouble. So this thing should be made clearer.

So also in the case of clause 122 where you speak of bribery as a gift, offer or promise of any gratification. This also should be made clearer. It is vague and bribery should be clearly defined. It is the usual practice that in order to be on the safer side more than one nomination papers are filed so that if one nomination is deemed invalid or is rejected, the nomination paper of the other candidate may be accepted. So the same party nominates more than one candidate. This practice may be open to misconstruction in the light of the existing provision. I would, therefore request Dr. Ambedkar to look into it and see if it cannot be improved upon.

Whenever there is the plural constituency in which there is the system of distributive voting, every voter will be entitled to give one vote to each candidate. If he is given more than one, that is to say, if he is given two votes, then the ballot paper should be held to be invalid. But here the provision is that one of the votes should be considered. I think that is not fair and it will lead to hardships.

There are some more points which I wished to deal with but I shall do so when the particular clauses come up before the House.

Shri T. T. Krishnamachari (Madras): I have no desire to detain the House by an enumeration of the various points which require either clarification or amendment. I will confine myself to one or two points that strike me as being of importance because of the wording of particular clauses.

I realize that in introducing a measure of this nature and attempting to envisage all possible means by which interested parties will try to cross the border line of what is proper, it is likely that we imagine many things that would happen and provide against those contingencies. It is also a fact that we have in this measure borrowed from the existing enactments and regulations without perhaps an adequate scrutiny as to whether those regulations are necessary in that particular form in the present state of affairs in this country. Again, we have probably not adequately examined the practices in other countries and whether the legislative enactments obtaining there cover those practices in other countries where a party system is functioning.

I will take clause 124 first to which a casual reference has been made by the previous speaker. As an instance I will say that the hon. Mover who is responsible for this measure has not adequately considered the effect of those three sub-clauses of clause 124, which are not at all inter-related but are completely different both in their scope and application, and has not also examined whether those sub-clauses are necessary in the present state of affairs in this country. Clause 124 (1) has been objected to by one of the Members of the Select Committee. The wording there has been objected to but I feel that the whole sub-clause has no relevance at all in the present setting of circumstances obtaining in this country or for that matter in any country where party system is in practice. If somebody does convene a public meeting or make arrangements for holding a public meeting, because he is a member of a party and he wants his party candidate to be returned, it is difficult to say whether that meeting is intended for the benefit of the party or the candidate. Here a person who arranges for a public meeting and advertises the meeting without an authorization from the candidate or agent is the first to be guilty of illegal practice. I cannot see how that person is to be punished—unless a candidate himself who has not authorized the holding of the meeting is to be punished—because of somebody having resorted to illegal practice. I say this subject to correction but I believe there is no relation of this particular clause to the penalty clauses of this bill. Illegal practices are defined as those coming under clause 124. Therefore even though it might be a fact that this provision was in previous enactments —perhaps it is a fact that a provision of such a nature is found in the U.K. election enactments—I cannot see how it is necessary to-day. We have to recognize—and that is a thing which many Members have not recognized in voicing their criticism—that by and large a candidate who is poor is not going to stand for election unless he is tremendously popular in the locality. Ordinarily the whole thing is going to be organised by some party as otherwise there is no chance for

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any man of moderate means. The party system is an essential corollary of a democratic system and therefore, when you say that a poor man cannot do this or that it is presumed that very probably poor man will have a party behind him. The party will select and find the necessary machinery and perhaps the money for furthering his candidature. Therefore looking at these enactments from the point of view of an individual candidate and offering criticisms in favour or against the proposal, I am afraid, is besides the point. I am also constrained to say that in drafting this measures the Government, or whoever was responsible, has not taken into consideration the fact that a party system would function in this country however much we might dislike it and however much it might be a bad thing as could be judged by the experience of other countries because that is the only way by which democracy can possibly be run. Therefore, I again draw the attention of the House to sub-clause (1) of clause 124 which has got to be either dropped or related to some offence for which any individual who does so without authorization from a candidate will be prosecuted and the particular case of illegal practice will not affect the validity of the election of a candidate and there must be a specific exemption if this clause is allowed to be there for parties to hold meetings which, though it is held for the furtherance of party interest, is in regard to a particular meeting in a particular place undoubtedly for the furtherance of the interest of a particular candidate. It happens in this case that the particular cannot be differenciated or distinguished from the general, because a party is for the whole country and individual is for the locality, and the party will lose if the individual loses his seat. I have gone through at length the legislative provisions in regard to what is obtaining in U.S.A. where the party system has a strangle-hold on the entire political set-up. There the committees that function on behalf of the parties, and which have to operate probably in more than one State for purpose of being recognized as a committee, are asked to submit returns about the sources of funds at their disposal etc. They have been trying for many decades past in U.S.A. to see that abuses do not increase in so far as funds used by the parties and it also happens that the amount of funds that they have and the manner in which they collect will probably shock the conscience of most people in this country. But there it is that a party can spend the money it wants to without limit provided it is a party which has interest in the fortunes of more than one State. So far as the United Kingdom is concerned, there is absolutely no ban on the party spending any amount of money. Therefore I would urge upon the hon. Mover of this bill to reconsider this particular sub-clause and also consider the whole clause in its setting in relation to the Bill as to who is to be punished and whether the candidate who is probably not cognisant of somebody putting a poster is to be punished or the person who arranges for the meeting etc. If I do not like a particular candidate and if I put a poster without disclosing the name of the printer, the candidate can be made to suffer as a consequence. The man who puts up the poster or prints it that ought to be punished but he goes scotfree as I see no provision for it there unless it is dependent on the general law of the land for that purpose. I would urge again that it should not be left to any construction even remotely by any court. Sub-clause (1) of clause 124 must be made clear so that the conviction of the parties accused might not impugn the validity of the election of the candidate.

In regard to clause 122, I am afraid I feel fairly strongly in regard to certain provisions thereof. One particular provision about which I would like to mention here is sub-clause (6), in regard to the question of use of vehicles. It is acknowledged on all hands that the use of hired conveyance should be prohibited. The question of hiring or procuring by parties of vehicles is a matter which comes within the mischief of this particular sub-clause. My hon. friend Dr. Ambedkar in his opening speech adverted to this subject but I am afraid the arguments he advanced in favour of retention of clause (6) are not very convincing. I would draw the attention of this House to the analogous provision in the United Kingdom Act where sections 88 and 89 do permit the use of a certain number of vehicles. Only there is a limitation in the number of those vehicles. I can understand my hon. friend, in order to prevent people from using party funds that they might have at their disposal or their wealth, should try to put a check on the use of vehicles belonging to political parties. There should be no objection to that. But the draft as it is would make it rather difficult for a candidate to justify the use of a vehicle even if it happens that a friend of that candidate takes another friend who is physically incapacitated in his vehicle to the polling station.

I would suggest to the Mover of the Bill that by trying to amplify the position and providing exceptions by way of explanations, which have no legal validity in a court of law, we are merely complicating the issue. Either limit the number of vehicles used or prohibit the hiring of vehicles. If a candidate or party can command the use of a certain number of vehicles let them use them ....

Mr. Deputy-Speaker: Can the hon. Member refer to the provision in the U. K. Act, where any number of vehicles are allowed?

Shri T. T. Krishnamachari: Section 88 of the U. K. Act. In a sub-section they have limited the number of vehiles according to the areas. In borough constituencies one vehicle is allowed for every 2,500 electors and in certain other constituencies one vehicle for every 1,500 voters. So there is a limitation in the number of vehicles used and no absolute prohibition so far as the U. K. Act is concerned.

Mr. Deputy-Speaker: Can the candidate use those vehicles for bringing voters to the polling stations?

Shri T. T. Krishnamachari: For election purposes.

Mr Deputy-Speaker: Is it allowed for his own going or also for bringing voters to the polling booths?

Shri T. T. Krishnamachari: There is a provision in regard to hiring of vehicles and use of vehicles in that particular regard. There is a general permission for the use of a certain number of vehicles and it does not completely debar a person from being brought to the polling station. There is no prohibition in regard to bringing people who cannot come otherwise than by using those vehicles. Sections 88, 89 and 90 in the U. K. Act, put together are not very clear. There is a certain amount of overlapping but in actual practice candidates are permitted more or less the unrestricted use of vehicles subject to the overall limitation in their numbers. In any event unless we can put a limitation of that nature an omnibus clause of this nature will do a lot of mischief. The question which the Mover himself has raised in regard to persons who are not capable of walking to a polling booth has not been answered by him and no provision either has been made in this regard.

I pass on to the sub-clause in clause 122 regarding the prohibition of Government servants from participation in electioneering. I have read very carefully what my hon. friend the Mover has said on this subject. I think Mr. Khandubhai Desai and others who are interested in labour have made it very clear that with the increasing activities of Government in the economic sphere the question who is to be regarded as a Government servant and who should be prohibited from taking part in the elections has to be very carefully defined. There is no use saying that a Secretary to Government or some smaller officer cannot be permitted to participate in the elections. That is right, because their number is very limited. But the entire railway structure consisting of lakhs of people who are employed by Government cannot be brought under the mischief of this particular sub-clause. It would happen, as we hope it would ultimately, that the area of Government interference in the economic field in this country will increase and practically all the essential or primary industries would be controlled by Government. Therefore we are bound to have a very large section of people in this country who will come under the mischief of sub-clause (8), if it is going to hold good for all time. Therefore I think a distinction should be made between a person who can by the use of his executive power influence to a very large extent the voting of people, who are amenable to his influence and the persons who have no executive power at all and who have probably in a different way to deal with the public and therefore quite possibly have no influence of a predominant character over the voters. Therefore I think that so far as Government servants are concerned, particular categories of people who incidentally are classed as Government servants or people engaged in essential industries will have to be excluded from the scope of the mischief of sub-clause (8) of clause 122.

It is not a difficult process. It can be done in one of two ways. Either we can put in those categories of exemption similar to the categories which are now excluded by the explanation or alternatively the Government might be asked to prescribe by rules the exemption of certain categories of persons. We have amended the rules of business of Parliament to enable periodical examination of the scope of Government discretion in delegated legislation and so the House will be competent to scrutinise the rules under this enactment when they are made. We can adopt the simpler method of prescribing by rules who are the persons who are to be prohibited under the sub-clause or have an outright specification within the body

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of the sub-clause itself in the manner of the explanation.

I do not want to dilate on the provisions of clause 7 except to say that the provision particularly in relation to licence-holders is impracticable. I would like to quote one important provision in the Australian Act which I think perhaps is more happily worded than we can possibly think of, in regard to prohibiting people who have some dealings with Government and who might not because of that fact become a member of the legislature. The Australian Act in section 44 says:

> "Any person who has any contract or indirect pecuniary interest in any agreement with the public service of the Commonwealth."

The relation to be established is that of direct agreement. Naturally directors of companies will also come within the scope of definition. If that wording is used a licence-holder, even if he is a monopolist—as mentioned by Prof. Ranga—who incidentally in the pursuit of his avocation, which is perhaps the normal avocation of a person who has to have a specific agreement in respect of a casual transaction with Government, might be ruled out. That wording might be considered by the Mover if he thinks it would be acceptable.

Yet another matter which arises in connection with people who have an agreement or contract is this. Supposing a person who is a resident of the Punjab and a voter there and who perhaps might stand as a candidate, has an interest in a firm having contracts with the Madras Government, is he to be prohibited from standing for the State Legislature in the Punjab or for Parliament? That is a point which will arise and has to be provided for. A person might have direct interest in a company operating in a different State altogether. A provision has to be made to cover exceptions of that nature. I would urge that when we come out with a set of prohibitions we have also to come out with a fairly exhaustive list of exceptions, as otherwise these prohibitions will act in a manner which the framers of the prohibitions had not thought of. It would affect quite a large number of people unnecessarily and would do harm to democratic sentiment rather than help it.

Finally I would make an appeal to my hon. friend Dr. Ambedkar, whose capacity for appreciating the other man's point of view is infinite, that in a matter like this the best thing for us to do is not to put the whole enactment in a strait-jacket. Abuses there will undoubtedly be and we have to go on correcting them, as they occur as they have done in the U.S.A. by any number of legislations and many of them have been found to be ultimately infructuous in course of time. So far as we are concerned we might start our venture in democratic elections with a minimum set of prohibitions which we feel would be adequate for the time being and which can be added to later on as we gain greater experience. If my hon. friend bears that in mind I have no doubt that he will consider, accept or reject the many amendments proposed by hon. Members in this House and ultimately make a better Bill of the Bill before the House than it is at present.

Shri Joachim Alva (Bombay): I heartily welcome the Bill moved by the hon. Law Minister who happens to be an old professor of my Law College days in Bombay. It has heartened me to see him thundering with his mastery of the subject and rhetoric, though some of the references made by him were not so happy. However, as an old student of his it is not my business to point out the flaws but to admire my old master who has made the deepest impression on this House by having put his hand to a great piece of legislation which will be known for all time to come as the Constitution of India.

This piece of legislation known as the Representation of the People Bill has been the most important piece of legislation that has come after we hammered out the Constitution Act. As a matter of fact, this Bill is the direct outcome of that superstructure or that great cornerstone of our liberty, the Constitution of India. We have all to put our heads together on this measure so that we make it as perfect and as fool-proof as possible.

On the people who in the future will come and warm the benches of this House or be members of the State legislatures, on them would lie a very peculiar responsibility. We are trying to introduce liabilities and handicaps in this Bill. But then there is the great asset—the freedom of this country; there will be the great asset that elections shall be conducted in a proper manner, that the candidates shall be upright men and upright women, men of character and women of character, and as such in framing this Bill we have been moved by this background. We have also been mov-

ed by the psychological background perhaps of corruption, of controls, or that some of our officials who have, no doubt, sold the pass and as a result of whose activities there is this background of handicaps imposed by the Bill. In such a background, we are trying to enact a very stringent measure by which it will be difficult for a number of businessmen, whose cause my hon. friend, Shri M. C. Shah ably pleaded, to enter this House. Indian democracy is like a sleeping giant. The giant has been sleeping and we are trying to egg him on either to come out in the open or to stand up with all his vigour. And that is perhaps not possible for the sleeping giant to do with all his strength, for the simple reason that there is not full literacy in this land, that we are still far, far behind. We have no doubt forged the sources of our democracy and today we are trying to play with its instruments, namely this Bill. Our objectives are clear. If however the sources through which we won our freedom and the instruments which we try to forge are not perfect and are not above reproach, then our objectives shall not be attained. Our objectives, no doubt, are towards a welfare state, towards a democracy where the large mass of voters shall not be influenced by a few people, where the large mass of voters shall not be influenced by big business, where the large mass of voters shall not be influenced by even a few organs of public opinion. Newspapers influenced elections in England so as to rouse the ire of British democracy. The Government once actually had to sit up and inquire into the conditions of the British Press to see whether their influence on British democracy was such that the country could be forced to acquiesce into only one set of opinion and thus damage the sources of the welfare state. Hence, the sources and instruments and objectives of our democracy must be complete and complementary to each other. We have no doubt forged the sources with the Constitution and today we are grappling with those instruments so that our objectives may be safe. We have to guard against all kinds of dangers. We may arrive at a stage, five years hence or ten years hence, when a Hitler may arise, when he may trample upon those instruments and wage a kind of destructive policy through the legislatures so as to make them his instruments—first by harassing or bullying the voters and finally leading, perhaps, to the crash at an infant stage. We shall have to avoid all those dangers.

The hon. Minister has no doubt borrowed a great deal from the provisions of the Representation of the People Act of the United Kingdom. That Act contains about 176 clauses, within the compass of 135 pages. The Representation of the People Bill before us has just 49 pages and 169 clauses. I wish we had taken all the clauses from the British Act. We pride in the fact that we borrow so much from the British Constitution or from the British House of Commons, but there are many patches here and there in this Bill which are not altogether foolproof and if we had taken the provisions—some of the words literally even—from the British Act it would have been far better so that the present loopholes would not have crept in.

I want to suggest one or two things. The first point missing in this Bill is this. In section 40 of the Representation of the People Act of 1949 of the United Kingdom there is a Registration Officer who shall every year make a list of corrupt and illegal practices containing the names and descriptions of the persons. That provision is missing in our Bill. We want a Register or at least a register to be kept wherein is shown a list of those people who have been convicted for corrupt and illegal practices. If it is maintained all the candidates and all the voters will be warned in time about these dangerous folks. During the time of elections, all sorts of people prop up; all sorts of people offer all kinds of assistance to candidates. Candidates will be forewarned in time if they have a list like the one mentioned in the British Act. The candidates will know who is tainted in character, and thus keep clear of these dangers.

As some hon. Members have already pointed out, there is that glorious provision under Section 79 in the British Act by which two ounces of matter could be sent post free to any voter by a candidate. We should have had it for the simple reason that most of our candidates would be poor people. There are hardly one per cent. of them who will be able to stand as candidates by themselves, unaided by party funds. When we have candidates who perhaps are not in a position to pay for postage regularly for sending their literature to their constituents, I wonder why a provision should have been inserted entitling our future candidates at elections the privilege of at least two ounces of free postage. I would even urge that section 79 of the British Act be bodily lifted and put down in this Bill. Thus

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two ounces of matter could be sent by the candidate to his constituents during the election, free of charge. If we had got this advantage it would have been of great use to us because we would have sent our manifestoes regarding the candidates, their character, ability and details of association with the party etc. There would be candidates for 4100 seats for Parliament and States Legislatures all over the country who could take advantage of this facility for sending their literature to their constituents.

An Hon. Member: But how many can read?

Shri Joachim Alva: That is another point. I tried to mention right at the beginning that literacy in our country is very low. Those who can read will be able to influence those who cannot.

My second point is that there is not eough provision in a downright manner for a corrupt withdrawal of a petition filed before the Election Commissioner or Tribunal. The provision under section 129 in the British Act is very clear. The man who files, or who makes, or who withdraws an election petition in a corrupt manner is jailed. We have not got such a clause here. We have got the experience of the past when candidates stood for merely making money; they made some kind of an arrangement with other candidates by which they withdraw for a consideration ranging from Rs. 5000 to 15,000 which they forked out from other candidates who would be rich and foolish and wicked enough to pay that amount. At present we have no such clause in our Bill to jail those who make a corrupt withdrawal before an Election Tribunal. There is one important matter to which I would like to draw the attention of the House, and that is in regard to the use of the radio. Many hon. Members have mentioned that the radio should be allowed for use as an instrument by means of which all the parties may present their programme. So far so good; at least as far as the Indian radio is concerned. But you are making a law which will be applicable in the future and we have to be very careful in the matter. Some candidates may use the radio station of a foreign Power. These are possibilities which cannot be ruled out at all. Under Section 20 of the British Act no person is allowed to make use of any wireless transmitting station outside the U.K. for transmitting any matter with reference to the elections. Arrangements with or through the B.B.C. only are permitted to persons interested in British elections as candidates or those who want to influence elections there. This provision is an excellent safeguard.

12 NOON.

There are foreign pockets in our land which operate radio stations. I have tried on numerous occasions in the past in this House to warn against the dangers of these radio stations operating on our soil, especially from Goa or even from a friendly neighbouring country like Ceylon. During times of election, these stations may be made use of for campaigns against the basic interests of Indian Nationlism. The British Act amply provides against a candidate making use of a foreign radio station. It becomes an illegal practice, or the whole election may be set aside, if a candidate is proved to have used a station other than that of the B.B.C. or a station working in cooperation with it.

The other point I wish to refer to is about members of the police force. The British Act is very, very clear on this matter. I would have wished that this provision in regard to members of the police force was more clearly brought out in our own Bill. The British Act says that no member of the police force shall by word, message or in writing or in any other manner influence a voter or his proxy. The wording in our Bill is not so clear, and defined as in the U.K. Representation of the People Act under section 87.

Reference was made by Dr. Ambedkar to the size of the Cabinet. In England for a population of 40 million, as against our 400 million, they have members of the Cabinet and those outside who are two and a half times the size of our own. What I mean to convey is that we have not reached any kind of fixity or finality in our own affairs. For want of experience, we go for guidance unto the precedents of one country to another.

One more point and I have done. The clauses of this Bill, as they stand, are drawn up in a comprehensive manner. This Bill is so comprehensive that it embraces a number of Acts. But the penal clauses of the Bill are not so stringent and definite as they are in the British Act. We are an inexperienced people in the matter of forging electoral law; it is therefore very necessary that the penalties should be really severe. For the hon. est candidate there is no room for

fear; for the dishonest candidate and agent the penalty should be more grave and stringent. Take for instance, the provision regarding conveyance. If this rule had been applied severely before, all the elections that had taken place hitherto in India would have been nullified. But today we turn our back and strive our utmost to fill gaps and impose severe penalties on wrong-doers at election time.

Mr. Deputy-Speaker: Shri Rohini Kumar Chaudhuri.

An. Hon. Member: This is *zabardasti.*

Dr. Ambedkar: You want women to be disqualified?

Shri R. K. Chaudhuri: The first point that I wish to speak about is about disqualifications as laid down in clause 7. More than one speaker before me have spoken on it and I would only add a few arguments for the complete deletion of sub-clause (d) of clause 7.

Shri R. K. Chaudhuri: The first do you want to disqualify?

Shri R. K. Chaudhuri: For the moment I am speaking against disqualification; later I shall speak about those persons who ought to be disqualified. I want to remove certain disqualifications which have been laid down in clause 7(1)(d). My suggestion is that only those persons who have a direct contract with the Government may be prohibited from standing. The prohibition, as it now stands, covers subcontractors, junior members of joint families, etc. The general principle should be that every voter is fit to be a candidate. The restrictions should be very few. The case for the removal of disqualification on licencees is all the greater. After all these controls are not permanent. A man might not be able to stand today: but if these controls are removed he may become eligible. Therefore, I think the wiser course would be to delete part (d) of clause 7(1) altogether.

Furthermore, I want it to be made perfectly clear that a lawyer who is not a wholetime man, who is retained by Government and is paid only a retaining fee as decreed by the courts should not be deemed to hold any office of profit under the Government and should not be disqualified on that score to be chosen as a member of either House of Parliament or of the Legislative Council or Assembly. Recently Government had to remove the disqualification in respect of those persons who held at the time of election posts of public prosecutors or assistant public prosecutors. So, I think this point ought to be made perfectly clear. It so happens that a member of a legal profession has either to decide not to stand at all as a candidate or to give up his position as lawyer of the Government. I submit these are not posts of profit, because they are not wholetime appointments and as such such persons should not be disqualified.

Then, we had the experience that some Members of Parliament were selected and appointed members of different committees and they were paid some sort of daily fees. It was held, I suppose, by the Ministry of Law of the Government of India that they were holding offices of profit; therefore the disqualification had to be removed in respect of them. For instance, there are Members of Parliament who are functioning as members of some advisory boards where they are paid some sort of a daily fee. They are not whole-time officers of Government. It should therefore be made perfectly clear that no disqualification would attach to such persons, because they accept posts on those bodies merely to help the public. Suppose for instance there is a very good lawyer. And you want also the assistance of lawyers in framing your legislation. Suppose he wants to stand as a candidate for the local legislature or for Parliament, and he being a good lawyer his services are also sought to be retained by the Government. Should he be disqualified from becoming a member of this Parliament because he happens also to be enjoying the reputation of being a good lawyer? In fact we want a number of good lawyers in our Parliament and in our legislatures. Therefore this disqualification also should be removed.

While you are thinking of having new disqualifications we are not thinking of one main, most important point. And we are not thinking of it either because we are afraid or we want to be very courteous or for some reason or the other. Let us not be afraid of anybody and let us consider and discuss it, namely, whether we should disqualify women from becoming members of Parliament of legislatures or not. If will perhaps be said that the Constitution does not allow us to make any discrimination of that sort. But we must remember this that in the British Parliament

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they had women members only in the year 1918, that is to say, two or more centuries after Parliament had actually come into being.

Shrimati Durgabai: Is the hon. Member so uncivilised as to suggest that?

Shri R. K. Chaudhuri: 'Uncivilised' is a very strong word to use, Sir.

Mr. Deputy-Speaker: Cannot the hon. Member reserve his point for a future occasion, namely, at the time of amendment of the Constitution?

Shri R. K. Chaudhuri: We cannot shirk this question. Do you advise us to shirk this question? We must face this question some day or the other.

Shrimati Durgabai: I would suggest that such Members whose speeches are against the spirit of the Constitution ought to be disqualified. This shows the behaviour of the Members who opposed such measures like the Hindu Code, the present Member including. Such persons ought to be disqualified.

Shri R. K. Chaudhuri: Sir, I am always charged with trying to be humorous. But there is no question of humour here. It is a very serious question.

Mr. Deputy-Speaker: I think it is out of order because the Constitution prohibits against any discrimination on the ground of sex except with respect to military and such other matters where there is such a provision. Otherwise there can be no discrimination.

An Hon. Member: But we are changing the Constitution.

Shri R. K. Chaudhuri: But, Sir, is it not a fact that women have been disqualified for the Indian Administrative Service?

Mr. Deputy-Speaker: No.

Shri R. K. Chaudhuri: But that was the reply given by the Home Minister the other day.....

Shrimati Durgabai: They are not disqualified. On the other hand, their applications were entertained. It is a fact, however, that they have not yet been appointed.

Shri R. K. Chaudhuri: Sir, how can I proceed with my speech if I am interrupted like this?

Mr. Deputy-Speaker: The hon. Member will please go on with his other points.

Shri R. K. Chaudhuri: If this is out of order, my next point is that there may be some age limit so far as women candidates are concerned. There is no constitutional bar to that. A woman of twenty-five years is fairly old. In our part of the country, in Bengal, it is said that a budi is a buri. That is to say.....

Mr. Deputy-Speaker: Order, order. Let us be a little more serious about this matter.

Shri R. K. Chaudhuri: All right, Sir.

Shrimati Durgabai: It is indecent on the part of the hon. Member to speak in such language.

Shri R. K. Chaudhuri: Shrimati Durgabai is unnecesarily interfering. Now, look at the way she is behaving in Parliament and remember this mood and judge whether we should or should not disqualify certain persons who are hysterical. This point I want you to consider. Today it has been declared out of order and I am not going to speak on it. But her conduct will be an eye-opener to the Members of the House and to the authors of the Constitution whether we should or should not disqualify such persons.

Mr. Deputy-Speaker: He may go to his next point.

Shri R. K. Chaudhuri: I am not going to press that point now.

The next point I wish to make before the House is whether Government servants should be allowed to canvass for a particular candidate. It is said here that if I actually request a Government servant to canvass for a particular candidate then that candidate may be disqualified. But suppose an association of Government servants—suppose the I.C.S. Association or the Ministerial Officers Association pass a resolution adopting a particular candidate as their own and supporting a particular candidate. Suppose the Secretary-General of the Government of India issues a *fatwa* to all the I.C.S. people and says that they should support a particular candidate. The point is whether this should be allowed or not and whether it should be merely said that they could do whatever they like and that Government has the option to take action against them. Suppose a Minister is a candidate.

Mr. Deputy-Speaker: The question is whether the canvassing is with the connivance of the candidate or it is independently of the candidate and in spite of his advice.

Shri R. K. Chaudhuri: Suppose I become so fortunate as to be one of the Ministers of the Cabinet and I stand as a candidate for the next election. Suppose my Secretary or the Secretary-General of the Government of India has a resolution passed in their Association supporting my candidature. I cannot go and say, "Do not pass this resolution for me" or "Do not do this". Suppose they pass a resolution supporting my candidature. Shall I withdraw my candidature, or shall I go on? If I go on, then I am returned. Then the question comes whether action should be taken against the I.C.S. officer or not. I will say, "Why should I take any action against him? Why should I be so ungrateful?" So it comes to this that the Government servant will get a full opportunity to support a particular candidate and shall go scot-free if that particular candidate is elected. And it comes to this that the Government servants can canvass and secure the success of a particular candidate. I submit whether we should leave it at that or pass here a legislation completely prohibiting Government servants from taking part in any way. I am of course conscious of this broad principle that anyone who has a vote and who casts the vote in favour of a particular candidate would like to see that his candidate is returned. But he must not take advantage of his official position. That is the point which ought to be taken into consideration. Clause 122 practically remains the same, although not in the words. I cannot directly give an order or engage a certain number of vehicles for carrying my voters. But any of my friends who may be a voter can procure all the vehicles for me. So the position remains the same and the rich man will get the advantage. Suppose a hundred electors will support me and for these hundred the conveyance is engaged.

Shri Syamnandan Sahaya: One car each.

Shri R. K. Chaudhuri: Then the whole intention of this provision will be frustrated. Why bring this camouflaged law? Instead of that say straightforwardly that those who can bring vehicles can bring and use them. Or stop it altogether. Give no excuse or loop-hole for anybody.

Shri J. R. Kapoor (Uttar Pradesh): The latter course is better.

Shri R. K. Chaudhuri: You say the latter course is better now. But when Shrimati Durgabai will interfere then you will say a different thing.

It is plain that the women voters should be given a vehicle or some sort of transport. You want women and men to be equal and at the same time you want vehicles for the women voters.

Shrimati Durgabai: Who asked for it?

Shri R. K. Chaudhuri: Some people said yesterday.

Shrimati Durgabai: Women are willing to walk as Dr. Ambedkar said.

Shrimati Renuka Ray (West Bengal): Any one who does not follow the fundamental principles of the Constitution should be disqualified even from speaking in this House.

Shri R. K. Chaudhuri: That is evidence and proof number two why they should be disqualified.

For sick persons some sort of vehicle should be allowed. Such sick persons should themselves apply to the Returning Officer for permission to use the vehicle. (*Interruption*) If the sick and invalids want to come to the polling booth and want to cast votes in favour of either candidate, they should apply to the Returning Officer for the supply of a vehicle to them.

Mr. Deputy-Speaker: There is a similar provision in the U.K. Act whereby the Returning Officer himself may provide such conveyances for voters who are engaged in the sea or wharf.

Shri R. K. Chaudhuri: That will be unfair. The Returning Officer may think that women are generally unable to come to vote.

Mr. Deputy-Speaker: Let us give up further references to women.

Shri R. K. Chaudhuri: I leave that point also because it has some connection with women.

Shrimati Durgabai: Please stop talking anything about women hereafter.

Shri R. K. Chaudhuri: I undertake not to do so. I hope you will do the same thing so far as men are concerned.

Shrimati Renuka Ray: This is not a matter for laughter. I take strong exception and I ask you, Sir, to intervene in this matter.

Mr. Deputy-Speaker: Very often such remarks and references are made about the fair sex and it is very wrong. Many people have resented such references. It is not a matter for mere laughter. Therefore, I think, such

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references should not be made hereafter. There must be greater seriousness. Hon. Members who are making such references do not know how much they wound the feelings of others. I cannot say that all these are irrelevant; otherwise I would have even asked these references to be expunged from the records. I do not want a repetition of this matter on the floor of this House. There are many matters in which hon. Members can make very interesting speeches here and even make the whole thing humorous but this is not a matter to which any hon. Member should hereafter refer in the House. (*Interruption*). I am afraid the hon. Member is indulging too much in that matter. I am very sorry.

Shri R. K. Chaudhuri: I will obey.

Mr. Deputy-Speaker: I have seen that the hon. Member very often chooses this as a subject matter for humorous references in this House.

Shri R. K. Chaudhuri: This is not a question of humour.

Mr. Deputy-Speaker: The whole thing is out of place.

Shri R. K. Chaudhuri: I left that point as soon as I found that you objected. I am put at a very great disadvantage by some Members taking my points very lightly and some Members taking my points too seriously.

I come now to clause 124.

Mr. Deputy-Speaker: The hon. Member has already taken 25 minutes.

Shri R. K. Chaudhuri: My hon. friends have taken my time. I have not taken so much time.

May I draw the attention of the hon. Minister to sub-clause (3) of clause 124? I submitted before and I submit now in all seriousness that this should be dropped. The sub-clause reads:

> "The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof".

Sometimes posters are distributed in which it is stated "Vote for so and so". The name of the printer and publisher is usually there and I do not think it would invalidate an election. We have to show whether this is an illegal practice and whether it has affected the result of the election. I cannot see how the omission of this sub-clause will affect the result of an election altogether. I therefore submit that it is useless to have this sub-clause (3) and it should be dropped. I would not have minded this but for the fact that there is a big disqualification attached to such an omission, namely, for four years. Clause 139 says:

> "The following corrupt or illegal practices relating to elections shall entail disqualification for membership of Parliament and of the Legislature of every State, namely:—
>
> (b) illegal practices specified in section 124..... and four years in the case of an illegal practice, counting from the date on which the finding of the Election Tribunal as to such practice takes effect under this Act."

I submit that this is rather too much and we ought to drop sub-clause (3) of clause 124. But if you continue to have sub-clause (3) of clause 124, you must amend clause 139 and omit the words "four years in the case of an illegal practice, counting from the date etc."

I have one other point. I do not know whether it is objectionable to canvass on the day of polling by installing loud speakers within 100 yards of the polling booth. Nowadays loud speakers producing great noise are used and if loud speakers are installed even 300 yards away from the polling booth for canvassing, there will be a lot of disturbance. So I suggest that the use of loud speakers during the election should be prohibited. I find that the use of loud speakers for canvassing is not prohibitted. (*An Hon. Member:* It is prohibited.) If it is entirely prohibited, then it is all right. I have had experience of loud speakers being used for canvassing on the day of election just very near the polling booths. If there is a provision, then it is all right.

Then, Sir, I apologize to you if I had caused you any pain in anything that I have said.....

Mr. Deputy-Speaker: Such references may not be made because they offend the hon. Members here.

Shri R. K. Chaudhuri: We should be thick-skinned in this House. We should give and take.

Mr. Deputy-Speaker: I wish to give hon. Members ten minutes only, and I intend to call upon the hon. Minister at five minutes to One.

Dr. Ambedkar: The arrangement as I understood in the morning was that

I should reply on Monday morning.

Shri Sidhva: You may start at five minutes to One so that the debate can be closed.

Shri Barman (West Bengal): I find that almost all the points have been exhausted by the previous speakers. But still I find it necesary to speak a few words regarding one or two matters, which, I think are important. One of those points is sub-clause (6) of clause 122. My reasons are a little different from those that have been advocated on the floor of this House by other Members. Coming from a district of north Bengal where election booths are few and far between because of the conditions of the country, I know what is the necessity of a conveyance for the electors to go and poll their votes.

I find in the Report of the Select Committee that there have been some proposals to put down in the Bill itself a distance-limitation of three miles for a polling booth at the farthest. But, that has not been incorporated. In a district where the population is very thin, even if you take 1000 voters for one polling booth, I have no doubt that a distance-limitation of three miles would be impossible. There are certain places where polling stations can conveniently be fixed. But, immediately in the vicinity, there are forests infested with wild animals. I am not speakihg of female voters; even male voters will not go to poll their votes unless conveyance is provided. Formerly, there were very few female voter on account of the property and other qualifications. With the change of conditions in the country, with the passing of our Constitution and conferring of adult franchise, this time, there is no doubt that the number of female voters will almost be equal to the number of male voters and perhaps in some States like Orissa, it may be more. (*An Hon. Member*: Assam) Yes; Assam also; there are many parts in this vast country where such conditions prevail. From my own experience, in my part of the country, I can say that unless you provide conveyance or give facilities to the candidates to bring female voters at least, to the polling booth, this extension of franchise on adult suffrage to the female voters would be absolutely meaningless, at least in these parts. Among our women, there are many who yet observe the *purdah;* though some may not strictly observe *purdah*, they are not used to walk with men in public streets. In our district, even when we used to provide conveyance to distant localities in which male voters came, no female voters used to come along with male voters. If it be the wish of the House that no conveyance should be provided for male voters, I would request this House seriously to consider that at least an exception should be made in the case of female voters and old and sick male voters who cannot conveniently walk the distance.

Shri R. K. Chaudhuri: For the information of my hon. friend, I may say that the hon. Shrimati Durgabai said that women do not want transport facilities.

Shri Barman: That condition prevails in the urban areas where women are advanced. I am speaking about the rural areas. I would seriously urge that our women-folk who are backward in the political field should be given these advantages so that they may also come up to the standard of the males and think about the political conditions of our country by being associated with political things like elections, etc. Apart from that, there is difficulty of their being unable to walk a distance of three miles and they should be given this convenience. Such a provision should be included in the Bill itself.

The next point that I wish to refer to is about the reservation of seats to the Scheduled Castes. The other day the hon. Law Minister said that according to the interpretation that can be put on the clause that we have already passed in the Representation of the People Act of 1950, it is clear beyond all doubt that reservation can be made only in plural constituencies. My own view is that judging from some considerations where there is a plural constituency and where there is a seat for a Scheduled Caste candidate and for another if the Scheduled Caste candidate can canvass the non-Scheduled Caste electors, he generally happens to be of the better standard. If the candidate has to get only the support of his own community people it is perhaps possible that the candidate happens to be a communal-minded man. So in order to get the better among the Scheduled Castes themselves, they should have this chance of plural constituencies, and have the chance of being returned. But I would submit that there are certain cases where the number of Scheduled Castes or the Scheduled Tribes is very great, say as much as some 60 per cent. In such cases, in our work connected with the delimiting of the constituencies, and also in the Advisory Committee it was thought fit that the seat in a single number constituency may also be reserved. I would submit to the hon. Law Minister that section 6 of the

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Representation of the People Act of 1950 is no bar to such reservation because I find that in sub-section (c) of that section, it is laid down that the delimiting authority can fix the number of seats allotted to each constituency. And in sub-section (d) there is provision regarding the number of seats, if any, reserved for the Scheduled Castes and Scheduled Tribes. If we construe sub-section (d) strictly as meaning only plural constituency, as was done by Dr. Ambedkar, then sub-section (c) becomes rather difficult of interpretation, because there also they speak of a number of seats allotted to each constituency. The same words cannot be interpreted in different ways. According to my opinion, we can make plural constituencies with reservation of seats and also reserve a single seat in a single constituency. I am only suggesting to the hon. Law Minister whether that section cannot be construed in the liberal way that I have indicated.

I shall submit only one point about which I can say with some authority because I had practical experience of it, regarding the illegal practices clause —clause 124. In sub-clause (1) it has been pointed out:

> "The incurring or authorisation by any person etc."

Here I think the real interpretation is that such sort of illegal practice on the part of anybody will not make the election of the candidate himself null and void but will entail future disabilities on the person who takes to such illegal practice. That is quite all right. But my own experience is this: There are persons who without any objective in their minds, may simply, for the purpose of helping the candidate whom they like to be returned do such things. In my own case some friend of my elder brother who belonged to another district actually printed leaflets and himself canvassed in an area where I had no occasion to go and after the election I came to know of it and also had seen those leaflets which were distributed. He had done it with the best of motives and without meaning any harm to anybody but simply to help me. If this omnibus clause be incorporated, I think, innocent persons who have no other object but to help a candidate out of love would be unnecessarily penalized. Some modification may be made in order to meet this position which is absolutely *bona fide*. With these words I congratulate the hon. Minister for drawing up this compendium of the rules which were scattered before and making it possible for all of us to know about them.

Dr. Deshmukh: It is quite correct that most of the rules that we have embodied in this Bill, most of the clauses have been there more or less in the same shape throughout the last 30 years that we have been having elections in the country and it is also correct that they have been examined afresh in the light of the provisions of the United Kingdom election law. In spite of that, certain omissions have been pointed out by certain Members of the House and I have no doubt that they will be duly considered.

It is understandable that some people should not be able to find sufficient justification for such a prolonged discussion on this Bill the provisions of which are more or less generally well understood and the principles behind which are known to almost everybody who indulges in elections. Yet the experiment in democracy that we are going to embark upon is so colossal and so large that we should be forgiven if we want to examine everyone of the clauses and sub-clauses in this fresh context and how far they would suit us under the present circumstances. I do not think previous to this we have had any occasion to examine the working of the election laws that existed in the land in such detail. On the whole I am prepared to say—excepting for the last two or three years when very large numbers of transgressions were complained of—that the laws on the subject of election that we have worked well. There have been probably some malpractices here and there but on the whole they have been within a limit and the election petitions also have not been too many. In spite of that there are many provisions which ought to be scrutinised very carefully and it should be seen whether in the new context any change is required or not.

There was one point which was discussed at great length, namely, whether there should be any finality so far as the decision about nomination papers is concerned. I agree with the suggestion made by Prof. Saksena that there should be no necessity of a nomination paper at all. Anybody who wants to be a candidate should present himself before the Returning Officer. If it is absolutely necessary that he should have the support of at least two members as proposer and seconder any two persons in the list may be similarly presented before the Returning Officer and thus the candidate's candidature should be immediately finalised. If there is any objection to his candidature that should be examined

summarily by the Returning Officer and there should be one appeal either to the district judge or a High Court Judge and there the matter should end. This should not take more than three or four days. But that does not mean, in my opinion at least, that any matter which forms an objection to the nomination could not be agitated in the election petition itself. What would be done by the Returning Officer and the appellate authority should be only consideration of *prima facie* objection to the nomination. Anything beyond that it should be possible to examine at the stage of the election petition when there should be a more thorough enquiry into the matter.

Shri J. R. Kapoor: Such a procedure obtains in U.P. with regard to the municipal and district board elections. The intending candidate presents himself before the Returning Officer and brings a proposer and seconder with him. The form is filled by the Returning Officer himself.

Dr. Deshmukh: That is very good and that only bears out the soundness of my suggestion.

Pandit Munishwar Datt Upadhyay: (Uttar Pradesh): But the nomination paper has to be filled.

Shri J. R. Kapoor: Yes, by the Returning Officer himself.

Dr. Deshmukh: My contention is that the technicalities should be reduced to the minimum.

I will also apply the same rules to disqualifications. The number of disqualifications that we should attach should be the absolute minimum. There has been long and protracted discussion so far as clause 7(1)(d) is concerned. Although I do not fundamentally object to the clause being there, a large section of our people should not be disqualified on that ground. It would probably be better that we allow all manner of people to stand and take their chance in the election and then give the person the alternative of acting one way or the other after he is elected. He will have three choices before him. He can either give up the contract or license or permit which disqualifies him or he can give up the directorship of the company, which is objected to or in the alternative he can give up his membership of the State Assembly or Parliament. Something of that nature which will not *prima facie* or at the very outset disqualify a large body of persons should be adopted.

There are some minor things which have been suggested and I hope they will be accepted. One suggestion was that at least one set of voters' list should be given to a candidate free of charge and allow him to send one communication to his voters free of cost.

As regards disqualification on account of convictions my suggestion is that only convictions which involve moral turpitude should alone disqualify a person and not the period of sentence. There are all manner of offences which people are liable to commit these days because the number of offences created by penal legislation is increasing so rapidly. Even if the sentence to which a man has been punished is long there should be no disqualification attached to him only on this score. The disqualification should always have reference to the moral aspect of the offence and only if moral turpitude is involved there should be disqualification.

So far as laying down of the pecuniary limits or the maximum expenses one could incur at any election are concerned, in this Bill it has been suggested that it should be done by rules. On the analogy of the English law I would suggest that these things ought to be stated in the Bill itself. It should be possible for the Members of this House to decide what should be the maximum permissible by way of expenditure.

There was also a suggestion by a few Members that the Rulers of States should be disqualified, because they are holding offices of profit. Strong protests were entered by several Members in this regard and against this suggestion. According to the proposition I have already stated I think the minimum number of people should be disqualified and I do not think that the disqualification suggested should be attached to the Rulers also. If they have forgotten their autocracy and their people the oppression of which they complained, if they have made themselves popular, there should be no reason why they should not have an equal chance in the working of this democracy and contribute whatever they can.

There has been a discussion about transport and the prohibition of mechanically-propelled vehicles. There has been on the one hand a suggestion that all such vehicles should be prohibited and on the other hand some hon. Members have suggested that there should be no restriction. I think this is a very contentious point and I would urge that ours being a country where disproportionately large

[Dr. Deshmukh]

sums of money are spent on petty elections such as elections to Congress Committees, elections to municipalities or *panchayats*. I think a provision for the least amount of transport to be used should be there. We should also take into account the fact that we have to spend very valuable foreign exchange on the import of petrol for these motor vehicles. From that point of view also I would urge that the use of mechanical transport should be as limited as possible. (*An Hon. Member*: Bullock carts!) Bullock carts of course should be encouraged; there should be no prohibition so far as bullock carts are concerned, and if some people make up their minds to sit on the back of the bullocks and come to the polling station there should be no prohibition to that also.

Some of my friends complained that the Election Commissioner has been given too much power. I do not object to these powers being bestowed on the Commission; the Select Committee has put the Commission wherever possible, but I think we will have to be rather careful in the appointment of persons who fill these posts because the more power we endow a person with the more care must be taken about his impartiality and the way in which he will conduct himself.

There has been discussion about the use of the national flag. Although I belong to the Congress and I have the utmost respect for the national flag and for the Congress flag, which is so similar to the national flag, I would like that the national flag should be kept absolutely out of the elections because there are going to be various parties and there is every likelihood.....

Shri J. R. Kapoor: So is it provided.

Dr. Deshmukh: Yes, but some Members have urged that it should be used, especially the Congress flag. Even that should not be allowed. Because the similarity of the Congress flag to the national flag is really so great; it is in fact based and is derived from the Congress flag and there should be no opportunity given to any section of people to do anything which will lower the dignity of the national flag or its counterpart, the Congress flag. I do not think the Congress party will derive very great benefit from the use of it.

Shri R. K. Chaudhuri: May I inform the hon. Member that in a recent election I saw that the police did not allow the Congress flag to be used because it looked so similar to the national flag that they said they were often compelled to stand at attention. Therefore they completely prohibited the Congress flag.

Dr. Deshmukh: That would indeed be another serious objection. I was merely replying to suggestions made by certain hon. Members who have urged that there should be no prohibition on the use of this flag.

Then there are one or two suggestions which I would make which are derived from the U.K. law of elections. One is about public buildings being made available to candidates for holding meetings, and the use of those buildings. There is a definite provision in the United Kingdom law that public buildings may be made available to candidates, provided they guarantee that they will be properly used and that the rent will be paid. I have tabled an amendment to that effect and I hope the House will accept it.

Though vanquished, Prof. Shah still argues and insists that the qualifications for candidates should be laid down—as to who should stand and who should not. I am glad the House does not agree with him and it is not possible, nor practicable to attach any qualifications for candidature over and above what has already been done. In fact, the House is inclined the other way. It wishes to reduce the prohibitions and restrictions upon candidature to the lowest possible minimum. There is also the practical difficulty of laying down any criteria or qualifications that would be suitable.

Lastly, I come to the exclusion of a very large number of Government servants. Really speaking many of them are not Government servants. They are labourers and employees of Government but not Government servants in the sense the words are used and generally understood. If we confine the prohibition only to the administrative staff of Government, I think that would be quite fair and sufficient. That will leave the railway employees or employees in similar departments and concerns absolutely free to take part in the elections. We have to be very cautious in this matter. On the one hand we should see that we do not give any handle to those who are likely to create trouble or mischief in the course of the elections so as to affect the morale of the services and the administration and on the other hand we must see that a large body of people are not disfranchised, simply because they happen to be employed in a concern which is managed by Government or in which

Government have a certain amount of share and interest. These are points which are accepted by most of the Members of this House and I hope on account of the substantial degree of unanimity they will all be accepted by the hon. Dr. Ambedkar.

Dr. Ambedkar: Sir, as you were pleased to remark when the discussion of my motion started, that as there was hardly any principle running throughout this Bill and that each clause stood on its own merits, the proper thing would be to devote more attention to each clause as and when it comes before the House, and I do not think that I need take much time in discussing the points which have been raised in the course of this debate. I know that many Members, if they at all feel very serious about the comments that they have made, will undoubtedly take care either to express their point of view when the clause is put before the House and if they have any difficulty I certainly would deal with that matter in order to remove the difficulty, or they will take the course of moving proper amendments to get their point of view discussed in the House and by carrying conviction to the House.

That being so, it is not necessary for me to deal at great length with the various points that have arisen. I therefore, propose to be somewhat brief and to touch upon only those points which may not arise again in the course of the debate.

Mr. Deputy-Speaker: Is the hon. Minister likely to take some time?

Dr. Ambedkar: Yes, Sir.

Mr. Deputy-Speaker: Then the House stands adjourned till 8-30 A.M. on Monday.

The House then adjourned till Half Past Eight of the clock on Monday, the 14th May, 1951.